

No 9331.113⁰315



Pts 17-20

GIVEN BY

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

HEARINGS BEFORE THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD EIGHTY-FIFTH CONGRESS FIRST SESSION PURSUANT TO SENATE RESOLUTION 74, 85TH CONGRESS

DECEMBER 5, 6, 7, 9, 10, 11, 17, AND 18, 1957

PART 18

Printed for the use of the Select Committee on Improper Activities in the
Labor or Management Field





INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

HEARINGS BEFORE THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD EIGHTY-FIFTH CONGRESS FIRST SESSION PURSUANT TO SENATE RESOLUTION 74, 85TH CONGRESS

DECEMBER 5, 6, 7, 9, 10, 11, 17, AND 18, 1957

PART 18

Printed for the use of the Select Committee on Improper Activities in the
Labor or Management Field



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1958

SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR
MANAGEMENT FIELD

JOHN L. McCLELLAN, Arkansas, *Chairman*

IRVING M. IVES, New York, *Vice Chairman*

JOHN F. KENNEDY, Massachusetts

SAM J. ERVIN, Jr., North Carolina

PAT McNAMARA, Michigan

KARL E. MUNDT, South Dakota

BARRY GOLDWATER, Arizona

CARL T. CURTIS, Nebraska

ROBERT F. KENNEDY, *Chief Counsel*

RUTH YOUNG WATT, *Chief Clerk*

CONTENTS

(ORGANIZED VIOLENCE IN TENNESSEE AND BORDERING AREAS)

	Page
Appendix.....	7501
Testimony of—	
Allen, Frank J.....	7261
Andrews, Paul L.....	7090
Boling, H. L.....	7488
Bridges, James B.....	7205
Brown, Harold E.....	7475
Byrd, Roy.....	7084
Caldwell, Robert.....	7145
Canaday, Perry H.....	7385, 7389
Cartwright, Tom D.....	7332
Chapman, John C.....	7195
Clements, Elizie R.....	7223
Comer, Everett G.....	7320
Crutchfield, Thomas.....	7446
Davis, Wallace.....	7267
Dicicco, Earl P.....	7288
Draper, Keith.....	7305
Duffy, LaVern J.....	7054, 7106, 7187, 7193, 7288, 7389, 7396, 7440, 7460
Dyke, Elmer.....	7334
Ellis, William Leon.....	7133
Evans, Eugene.....	7130
Freels, Lola Mrs.....	7125, 7167
Galloway, James Spence.....	7461
Gourley, Everett E.....	7324
Hargis, Luther C.....	7202
Hixson, Raymond.....	7436
Hoover, L. M.....	7402
Jones, Sam C.....	7467
Katz, Joseph.....	7271
Keeling, Shelton P.....	7299
Kinsey, Joseph.....	7334
McDowell, Robert.....	7213
McKinney, A. D.....	7106
McShane, James P.....	7054, 7184
Morgan, Joseph W.....	7411
Marston, Bobby H.....	7392
Mosier, Andrew T.....	7314
Pemberton, J. R.....	7069
Peters, Sam.....	7150
Powers, B. B.....	7189, 7194
Rasmussen, Wallace.....	7237
Reed, Enos.....	7255
Reeves, Jesse.....	7246
Reynolds, John T.....	7113
Reynolds, William, J. B.....	7397
Schroeder, Lyn M.....	7364, 7380
Smith, Glen W.....	7421, 7450
Smith, William A.....	7351
Vaughn, Ralph G.....	7368, 7381, 7382
Thompson, G. T.....	7209
Swanner, W. D.....	7334
Vestal, Don.....	7405
West, James E.....	7453
Whitley, Kenneth M.....	7292, 7382
Whitley, Josephine.....	7275
Whitley, Robert V.....	7275
Winslow, Harold A.....	7344, 7381

EXHIBITS

	Intro- duced on page	Ap- pears on page
1A. Picture of tractor belonging to Bush Bros. Canning Co. which was dynamited on company premises during organizational strike by Teamsters Local 621.....	7077	(*)
1B. Bush Bros. Co. truck dynamited on company premises during organizational strike by Teamsters Local 621...	7077	(*)
1C. Picture of dynamite that did not explode because of faulty fuse which was under the Newman & Pemberton trailers.....	7077	(*)
2. Picture, Newman & Pemberton Corp. truck dynamited on company property during organizational strike by Teamsters Local 621.....	7081	(*)
3. Picture of shoulder wounds inflicted on Mr. Ray Byrd by bullets which hit the truck in which he was driving....	7089	(*)
4. Minutes of a special meeting of Teamsters Local 327 in Nashville, Tenn., October 16, 1955.....	7106	(*)
5. Pictures of injured elbow of Mr. McKinney where he was shot during organizational strike of teamsters.....	7111	(*)
6. Bill from Lydia Williams, florist, dated June 15, 1955, in the amount of \$10.52 for flowers sent to W. A. Smith...	7129	7501
7. Picture of automobile of an employee of the Purity Packing Co., dynamited at his home, Knoxville, Tenn., during organizational strike by Teamsters Local 621.....	7147	(*)
8. A cash register ticket which represents bill for sugar and sirup used in siruping up trucks.....	7172	7502
9. Cash expenditure sheet for the month of August 1956 showing item of \$39.35 marked "Cash and sick dues"...	7172	(*)
10. Check No. 3183 dated August 3, 1956, payable to cash in the amount of \$39.35 drawn on Teamsters Local 621...	7172	7503
11. Check dated November 6, 1956, payable to W. J. Reynolds in the amount of \$50 drawn on organization fund, local 621.....	7178	7504
12. Picture of W. A. Smith.....	7199	(*)
13. Picture of Robert Belcher.....	7200	(*)
14. Picture of dynamite caps, dog food, and license plate...	7208	(*)
15A. Picture of dynamite which did not explode.....	7218	(*)
15B-D. Pictures of equipment showing damage after the dynamite did explode.....	7218	(*)
16. Piece of pipe used in making a homemade bomb.....	7219	(*)
17. Minutes of meeting of the executive board meeting of the Teamsters Union Local 327 at Nashville, dated November 19, 1955.....	7288	(*)
18. Warrant served on Keith Draper for assault and battery...	7310	(*)
19. Check No. 04738 dated March 20, 1956, payable to Edward Smith in the amount of \$500, drawn on local 327 and signed by Edward Smith, "Organizational expenses".....	7395	7505
20A. Check No. 5518 dated July 2, 1951, payable to cash in the amount of \$18,500 drawn on Truck Drivers & Helpers Local No. 515, Chattanooga unsigned and marked "void".....	7432	7506
20B. Check No. 5519 dated July 2, 1951, payable to cash in the amount of \$18,500 drawn on Truck Drivers & Helpers Local No. 515 and signed by H. L. Boling.....	7432	7506
21. Check No. 6134 dated March 17, 1952, payable to cash in the amount of \$1,500 drawn on Truck Drivers & Helpers Local 515 and signed by H. L. Boling.....	7434	7507
22. Check No. 2474 dated June 29, 1951, payable local union 515 in the amount of \$13,500 drawn on Southern Conference of Teamsters and signed by Fale T. Murrin...	7441	7508
23. Minutes of a meeting of Southern Conference of Teamsters Policy Committee, dated July 13, 1951.....	7442	(*)
24. Check No. 6546 dated June 10, 1954, payable to J. S. Galloway in the amount of \$1,000.....	7465	7509

CONTENTS

V

Proceedings of—	Page
December 5, 1957-----	7053
December 6, 1957-----	7113
December 7, 1957-----	7189
December 9, 1957-----	7213
December 10, 1957-----	7299
December 11, 1957-----	7385
December 17, 1957-----	7411
December 18, 1957-----	7453

*May be found in the files of the select committee.

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, DECEMBER 5, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee convened at 2 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Members of the select committee present: Senator John L. McClellan, Democrat, Arkansas; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; LaVern J. Duffy, investigator; James P. McShane, investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session: Senators McClellan and Curtis.)

The CHAIRMAN. Today the committee begins a new set of hearings, focused on the serious problem of organized violence.

The committee is seeking information on the calculated and planned use of goon squads by the teamsters' union and others in a broad area of the southern section of the United States to enforce demands against employers and to whip recalcitrant union members into line.

Violence in labor-management relations is not new. We have had it with us throughout the history of the rise of organized labor in America. It has been used by management in fighting labor. These hearings, however, I am advised by the staff, will point up a shocking pattern of deliberate goon-squad violence focusing in the State of Tennessee, but crossing State lines into North Carolina, Ohio, Georgia, and Kentucky. One of the things of greatest concern to this committee has been the effect of this goon-squad violence on various communities and States.

Investigation by the staff of this committee indicates that the nucleus of the goon squad with which we are here concerned was made up of teamsters' union officials with long police records. The staff's investigation has uncovered 173 separate acts of violence during the period 1953 to the present. Of particular interest to the committee are the following important facts:

1. It appears that the violence was an organized operation.
2. The so-called goon squad was used interstate.

3. Only 8 of the 173 acts of violence have been solved.

4. Law-enforcement officials in certain instances failed to properly investigate those responsible for the violence.

5. Top officials of the teamsters' union have not made the slightest effort to rid the union of the hoodlum element who participated in the violence.

This latter fact cannot be considered too surprising in view of the heavy infiltration of hoodlums and racketeers into the top echelon of the teamsters' union as thus far brought out by testimony before this committee.

The staff has learned that other unions apparently availed themselves of the services of this goon squad, particularly the barbers' union. This will also be a subject of interest by this committee.

The use of violence is one of the most reprehensible forms of action in labor-management controversies. It is a matter which should be of deep concern to local authorities, to responsible leadership within the American labor movement, and to this committee which is charged with investigating improper activities in labor-management relations.

The committee is deeply indebted to the Nashville Tennessean and to John Siegenthaler, of that newspaper, for the help and assistance they have rendered to the committee and to the staff during the course of our preliminary investigation.

The Chair may say he has not covered every aspect of labor-management relations that may be gone into, and may be developed in this particular area during the course of these hearings. We will deal with those other factors as we proceed with the testimony.

Senator CURTIS, do you have any comment before proceed?

Senator CURTIS. No, thank you, Mr. Chairman. I believe you have made a good statement that tells us what we can anticipate, and I have no statement to make.

The CHAIRMAN. Mr. Kennedy, you may proceed with your presentation.

Mr. KENNEDY. We just have two charts here, Mr. Chairman, that were made up through the efforts of Mr. Duffy and Mr. McShane, who conducted this investigation.

The CHAIRMAN. Let both of you gentlemen be sworn. You will be asked questions as we go along and we might as well swear you at this time.

Do you, each of you, solemnly swear that the evidence you shall give before this Senate select committee during this series of hearings shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUFFY. I do.

Mr. McSHANE. I do.

TESTIMONY OF LaVERN J. DUFFY AND JAMES P. McSHANE

The CHAIRMAN. Mr. Duffy, state your name and your address, and your place of business.

Mr. DUFFY. My name is LaVern Joseph Duffy, and I reside at 123 Carroll Street S. E., and I am a staff member of Senate Permanent Investigating Committee of the United States on temporary loan to the select committee.

The CHAIRMAN. Mr. McShane, state your name, and your address, and your business or occupation.

Mr. McSHANE. My name is James McShane, and I reside at 3844 Bailey Avenue, in the Bronx, N. Y., and I am an investigator on the staff of this committee.

The CHAIRMAN. All right. Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Chairman, as you pointed out in your opening statement, there have been some 173 acts of violence in and around the State of Tennessee, and 3 or 4 other States, during the period of the past 3 or 4 years. This is the documentation on that statement which also points out and shows that of those 173 acts of violence, only 8 of them have been solved. I might say that the 173 figure is a conservative figure. It is at least 173 acts of violence.

Senator CURTIS. How many of them had a thorough investigation by local law-enforcing officers, if only eight of them have been solved?

Mr. KENNEDY. I think we will develop that as the hearings go on, and that it will indicate, Senator, that there was not an investigation or a thorough investigation in a great number of them.

We will get into that this afternoon.

For the benefit of the committee and the press, we have these on a mimeograph sheet, Mr. Chairman.

The CHAIRMAN. They may be delivered to the press.

Who prepared the charts that you have before you, Mr. Duffy? The title of one of them is, "173 Acts of Union Violence in a Five State Area, Involving Both Teamsters and Barbers Disputes, 1953 to the Present."

You have two charts before us. The second one is a continuation of the first one.

Mr. DUFFY. That is right.

The CHAIRMAN. So that the 2 exhibits before us now should be considered as 1 exhibit?

Mr. DUFFY. That is correct, Mr. Chairman.

The CHAIRMAN. As I understand, Mr. Duffy, you have been conducting the preliminary investigation into this area, and into this subject matter?

Mr. DUFFY. Yes, Mr. Chairman. These charts were prepared under my direction.

The CHAIRMAN. They were prepared under your supervision and at your direction?

Mr. DUFFY. That is correct.

The CHAIRMAN. Then you are prepared to testify with respect to the accuracy of them?

Mr. DUFFY. That is correct, Mr. Chairman.

Mr. CHAIRMAN. All right. Proceed.

Mr. KENNEDY. One matter that was of interest to us was the number of acts of violence that were committed. The second thing that was of interest to us is that it went far beyond just picket-line violence or a fight or dispute on a picket line. This was something that was far deeper, and I think Mr. Duffy, you might tell the committee generally what you found as to how these acts of violence evolved. First you might tell us the attempt to organize and then what happened.

Senator CURTIS. Before you go into that, I would like to ask over how wide an area did these occur? Are we talking about one locality?

Mr. DUFFY. We are talking about basically the locality around Nashville, Tenn. and Knoxville, Tenn. Two teamster locals are involved. That is local 327 and there is a footnote to that effect down here, local 327 is in Nashville, Tenn. The other local is 612, in Knoxville, Tenn.

Senator CURTIS. Thank you.

Mr. DUFFY. Also on the chart you will notice that there is local No. 35. That is the barbers local in Nashville.

The CHAIRMAN. I think the Chair will order those charts printed in the record at this point so that those who read may follow them rather than making them an exhibit. They may be printed in the record as a part of the testimony.

(The charts are as follows:)

173 acts of union violence in a 5-State (Tennessee, Kentucky, Georgia, Ohio, and North Carolina) area involving both teamsters and barbers disputes, 1953 to present

Item No.	Date	Type of violence	Victim	Reported to police	Local No.	Supplemental data
1	Jan. —, 1953	Truck sabotage	Bass Transfer	Yes	1 327	Truck striped on company property in Nashville; damage, \$150.
2	May 26, 1953	Assault and battery	W. R. Rasmussen	Yes (W. A. Smith, B. H. Marston, H. Monk arrested).	327	Rasmussen assaulted in Nashville by W. A. Smith, teamsters' business agent, and 2 other members of union; complaint withdrawn.
3	May —, 1953	Truck sabotage	Beatrice Foods Co.	Yes	327	Trucks striped outside Nashville.
4	July 6, 1953	Street fighting	Yellow Cab Co.	do	327	Fist fight on picket line, picket sign thrown through company window.
5	Aug. —, 1953	Auto sabotage	R. McDowell	No	327	Auto striped in Nashville during strike; damage, \$150.
6	Sept. 7, 1953	Dynamiting	McDowell & McDowell Co.	Yes	327	8 pieces of machinery and equipment on TVA property at Gallatin, Tenn., blown up; damage, \$100,000.
7	Sept. 12, 1953	Assault and battery	Joe Fussell, driver, M. P. Brothers Co.	Yes (Jack Martin, arrested).	327	Fussell assaulted; complaint withdrawn.
8	Oct. 3, 1953	Window breaking	Jack Baird's Barber Shop	Yes	35	Rocks thrown through windows at night in Nashville. Occurred in Nashville day after Jones urged to join union.
9	do	do	Jones Barber Shop	do	35	Bomb thrown into home of shop operator in Nashville after he refused to join union.
10	do	Stinkbomb	Jack Baird	do	35	Rocks thrown through glass door of shop in Nashville.
11	Oct. 18, 1953	Window breaking	Hoover Motor Lines	do	327	2 trucks striped on company lot in Nashville at night.
12	Oct. 23, 1953	Truck sabotage	do	do	327	1 truck striped en route to Chattanooga.
13	do	do	do	do	327	1 truck striped en route to Elizabethtown, Ky.
14	do	do	do	do	327	1 truck sabotaged en route to Nashville, damage to Hoover trucks Oct. 23, \$4,000.
15	do	do	do	do	35	Windows smashed in Nashville day after Barber Jones was told to join union.
16	Nov. 2, 1953	Window breaking	Webb's Barber Shop	do	35	Bomb thrown into shop in Nashville.
17	Nov. 15, 1953	Stinkbomb	Jack Baird's Barber Shop	do	35	All shop windows broken in Nashville, damage, \$120.
18	Dec. 15, 1953	Window breaking	Webb's Barber Shop	do	35	Shop partially destroyed in Nashville, adjacent dry-cleaning shop also damaged; estimated damage, \$7,000.
19	Dec. 18, 1953	Dynamiting	Jones Barber Shop	do	35	Office at Nashville bombed; damage, \$1,200.
20	do	do	McDowell & McDowell	do	327	Clements refused to join union; barbers and teamsters were picketing; shop completely destroyed in Nashville; \$7,000 damage.
21	do	do	Clements Barber Shop	do	35	Windows smashed at night in Nashville; damage, \$125
22	Dec. 30, 1953	Window breaking	Jones Barber Shop	do	35	Windows smashed at night in Nashville; damage, \$125

See footnote at end of table.

173 acts of union violence in a 5-State (Tennessee, Kentucky, Georgia, Ohio, and North Carolina) area involving both teamsters and barbers disputes, 1953 to present—Continued

Item No.	Date	Type of violence	Victim	Reported to police	Local No.	Supplemental data
23	1954 Jan. 14, 1954	Window breaking	Webb's Barber Shop	Yes	35	Shop windows smashed at night in Nashville; \$120 damage.
24	Jan. —, 1954	do	C. L. Harris Barber Shop	do	35	Shop windows smashed at night in Nashville; \$90 damage.
25	Feb. —, 1954	do	do	do	35	Windows smashed at night in Nashville; \$90 damage.
26	Mar. —, 1954	do	do	do	35	Windows smashed at night in Nashville; \$90 damage; window breaking occurred after Harris refused to join union.
27	Apr. 15, 1954	Truck sabotage	Motorrent, Inc.	do	327	6 tires slashed on each of 7 tractors while parked on company lot in Nashville; damage, \$3,710.
28	do	do	do	do	327	5 trucks striped in company lot in Nashville; damage, \$1,517.
29	May 26, 1954	Dynamiting	Ajax Beer Co.	do	327	Warehouse partially destroyed in Nashville; damage, \$4,000; teamster official had made demands that company drivers join union.
30	June —, 1954	Attempted assault	Ajax Beer Co. employees	do	327	Union men caught employees on way to work in Nashville; tried to assault them.
31	do	Arson	Ajax Beer Co.	do	327	Office set afire at night, in Nashville.
32	June 29, 1954	Window breaking	Auto of Enos Reed, owner Ajax Co.	Yes (E. B. Thomas arrested; \$5 fine).	327	Reed's car stoned at picket line in Nashville; \$50 damage.
33	July 2, 1954	Auto sabotage	Ajax Beer Co.	Yes	327	Tires on 2 autos parked at plant in Nashville slashed.
34	July 4, 1954	Arson	Home of Ajax employee	do	327	Home partially destroyed in Nashville; white salesman-owner was away at night; damage, \$6,000.
35	Aug. —, 1954	Window breaking	N. R. West barber shop	do	35	Shop windows smashed at night in Nashville; damage, \$60.
36	Sept. —, 1954	do	do	do	35	Do.
37	Oct. —, 1954	do	do	do	35	Do.
38	do	Property damage	Woodbine Radio Cab Co.	do	327	Company office and building damaged in Nashville during night after union officials demanded the company hire union drivers.
39	Oct. 10, 1954	Window breaking	Manley barber shop	do	35	Shop windows smashed at night in Nashville; damage, \$65.
40	Nov. 7, 1954	Truck sabotage	Tennessee-Carolina Transport Co.	do	327	17 trucks in Nashville striped during night; estimated damage, \$25,000.
41	do	do	do	Yes (Sam Peters, member of teamsters 327, 30 days, Newport, Tenn., jail; \$50 fine and court costs.)	327	Truck striped near Newport, Tenn.

42	Nov. 15, 1954	Window breaking.	E. B. Manley Barber Shop.	Yes	35	Shop windows smashed at night in Nashville.
43	Nov. —, 1954	do.	N. R. West Barber Shop.	do.	35	Windows at shop smashed at night in Nashville; damage \$90.
44	Dec. 1, 1954	do.	E. B. Manley Barber Shop.	do.	35	Shop windows smashed at night in Nashville as dispute with union continued.
45	Dec. 9, 1954	Truck sabotage.	B. & S. Motor Lines.	do.	327	4 trucks in Nashville terminal stripped; 6 truck tires slashed.
46	do.	do.	do.	do.	327	3 trucks stripped in Memphis, Tenn.; terminal; 4 tires slashed; damage B. & S. trucks Nashville and Memphis \$3,500.
47	Dec. 17, 1954	Window breaking.	Coley's Barber Shop.	do.	35	Windows smashed at night in Nashville; damage, \$120.
48	do.	do.	Dunaway's Barber Shop.	do.	35	Shop windows smashed at night in Nashville; damage, \$85.
49	do.	do.	Greenwood Barber Shop.	do.	35	Shop window smashed at night in Nashville; damage, \$105.
50	Dec. 21, 1954	do.	E. B. Manley Barber Shop.	do.	35	Shots fired through windows at night in Nashville; damage, \$65.
51	do.	Gunshots.	do.	do.	35	Shots fired into Barber Manley's home in Nashville; 5 shells fired on front lawn.
52	Dec. 31, 1954	Window breaking.	Hunt's Barber Shop.	do.	35	Front and side windows smashed during night in Nashville after Barber Hunt declined to join union; damage, \$180.
53	do.	Attempted assault.	J. R. Walker—B. & S. driver.	do.	327	Walker was threatened by union members at Knoxville terminal.
54	Dec. —, 1954	Taxicab damaged.	Woodbine Cab Co.	Yes (Dennis Gregory, Leonard Madden, teamsters union members, arrested).	327	Windows in parked cabs in Nashville knocked out with bottles; complaint withdrawn.
55	Dec. —, 1954	do.	Woodbine Cab Co.	Yes (Emory Higgins arrested).	327	3 taxicab windshields smashed in Nashville; damage, \$120; complaint withdrawn.
56	do.	do.	do.	Yes	327	Coco-Cola bottle thrown through cab window in Nashville; eyewitnesses said W. A. Smith broke window; no arrest; Smith is business agent for union.
57	do.	Gunshot.	do.	do.	327	Rifleshot hit cab window in Nashville carrying passenger.
58	do.	Assault and battery.	do.	do.	327	Driver Earl Diekco beaten by passengers with motorcycle chain in Nashville during union dispute; passengers fled when he fought back.
59	do.	do.	W. Kenneth Whitley, brother of Woodbine Cab owner.	Yes (Perry Cannady, \$10 fine; union agent arrested).	327	Whitley beaten in front of union hall in Nashville while performing duties as city employee.
60	do.	do.	James Tidwell, Woodbine Cab.	Yes (Leonard Mandy arrested).	327	Tidwell beaten en route to work in Nashville; complaint withdrawn.
61	Jan. 2, 1955	Window breaking.	Woodbine Cab Co.	Yes.	327	Taxicab windshield smashed in Nashville; damage, \$65.
62	Jan. 30, 1955	Truck sabotage.	B. & S. Motor Lines.	do.	327	Truck stripped in Nashville; damage, \$500.
63	Feb. 5, 1955	Window breaking.	Coley's Barber Shop.	do.	35	Shop windows smashed at night in Nashville; damage \$80.

See footnote at end of table.

173 acts of union violence in a 5-State (Tennessee, Kentucky, Georgia, Ohio, and North Carolina) area involving both teamsters and barbers disputes, 1953 to present—Continued

Item No.	Date	Type of violence	Victim	Reported to police	Local No.	Supplemental data
64	1955	Window breaking	Tatom's Barber Shop	Yes	35	Rock broke window at night in Nashville; damage, \$80.
65	Feb. 5, 1955	do	Greenland Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$95.
66	do	do	Coley's Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$75.
67	Feb. 12, 1955	do	Melton's Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$90.
68	do	do	Dunaway's Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$180.
69	Feb. 23, 1955	do	Hunt's Barber Shop	do	35	Shop windows and door glass smashed at night in Nashville; damage, \$120.
70	do	do	Manley's Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$75.
71	do	do	Coley's Barber Shop	do	35	Tractor No. 173 siruped and damaged at Elizabethtown, Ky.
72	Feb. 24, 1955	Truck sabotage	Johnson Freight Lines	No	327	Tractor No. 176 siruped and damaged at Warsaw, Ky.
73	do	do	do	do	327	Tractor No. 177 siruped and damaged at Horse Cave, Ky.
74	do	do	do	do	327	Tractor No. 133 siruped and damaged en route to Smyrna, Tenn.
75	Feb. 28, 1955	do	do	do	327	Tractor No. 171 siruped and damaged at Manchester, Tenn.
76	do	do	do	do	327	Tractor No. 180 siruped and damaged en route to Chattanooga, Tenn.
77	do	do	do	do	327	Tractor No. 168 siruped and damaged at Monteagle, Tenn.
78	do	do	do	do	327	Tractor No. 179 siruped and damaged en route to Nashville, Tenn.
79	do	do	do	do	327	Tractors 170 and 169 siruped and damaged at yard in Nashville.
80	do	do	do	do	327	Tractors 145, 146, 154, 160 siruped and damaged in yard at Nashville; damage, cases 72 through 81, \$7,000.
81	Mar. 1, 1955	do	do	do	35	Shop windows smashed at night in Nashville; damage, \$120.
82	do	Window breaking	Webb Barber Shop	Yes	35	do.
83	do	do	Red Cross Barber Shop	do	35	do.
84	Mar. 26, 1955	do	Nap's Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$75.
85	do	do	Duke's Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$90.
86	do	do	Elrod's Barber Shop	do	35	

87	do	do	Webb's Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$120.
88	Mar. 31, 1955	Assault and battery	William Wehly, Mohawk Motor Lines	Yes (Perry Cannady, teamsters' business agent, arrested).	327	Son of company president victim of attack in Nashville; complaint withdrawn.
89	do	Assault	W. E. Richardson, employee of B. & S. Motor Lines	do	327	3 men attacked victim at his home in North Carolina after he signed affidavit for his employer against union.
90	Apr. 1, 1955	Window breaking	B. & S. Motor Lines	do	327	Rock smashed truck windshield of James Bruce's truck on Highway 70 en route to Knoxville.
91	Apr. 4, 1955	Assault with intent to kill	F. J. Allen, manager, Terminal Transport	Yes (W. A. Smith, teamsters' business agent, arrested).	327	Victim beaten in his office in Nashville after refusing Smith's demands; complaint withdrawn.
92	Apr. 9, 1955	Window breaking	Bradford's Barber Shop	Yes (Perry Cannady and Sam Peters arrested).	35	Windows smashed at night in Nashville; damage, \$50 received 6 months and \$100 fines.
93	do	do	Reed Barber Shop	Yes (Cannady and Peters arrested).	35	Windows smashed at night in Nashville. (Both received 6 months and \$100 fines. Appealed sentence and lost appeal, began serving sentence July 1956; released January 1957).
94	Apr. 20, 1955	Truck sabotage	Motorrent, Inc.	Yes	327	14 trucks striped while in company lot in Nashville; damage, \$1,500.
95	May 21, 1955	Gunshots	B. & S. Motor Lines	do	327	Shots fired at truck on highway 25 miles east of Memphis, 1 shot hit trailer; John Fultz and Joe Hoover, employees of B. & S. were in cab.
96	May 24, 1955	Assault and battery	F. L. Miller, employee, B. & S. Motor Lines	do	327	Miller pulled from cab of truck and stoned at Nashville terminal.
97	June 2, 1955	Assault	George McDowell, B. & S. employee	do	327	McDowell stoned while repairing TV antenna on his home in Nashville.
98	June 12, 1955	Gunshot	B. & S. Motor Lines	do	327	Shot fired from passing car hit truck windshield near Knoxville, Tenn.; Tom Copeland, driver; bullet hit steering wheel.
99	do	do	do	do	327	Shots fired from passing car hit truck near Knoxville; driver, D. Robertson.
100	June 14, 1955	Assault with truck	do	do	327	Attempt to force B. & S. truck driven by Ted Barnett from road near Nashville.
101	do	do	do	do	327	Attempt to force B. & S. truck driven by Wade Chastain from road near Lebanon, Tenn.
102	June 15, 1955	Street fight	Bethel Carmen, Jr., Ajax Beer employee, Ralph Vaughn, business agent	Yes (Vaughn and Carmen arrested).	327	Fight occurred on company property in Nashville—both were charged with breach of peace, misdemeanors (Vaughn forfeited \$25 bond; Carmen's \$5 returned).
103	June 16, 1955	Window breaking	B. & S. Motor Lines	Yes	327	Truck driven by James Peterson had rock thrown from passing car near Donelson, Tenn., smashed windshield.
104	June 17, 1955	Attempted assault	Carl Childress, B. & S. employee	do	327	Unidentified men stopped B. & S. truck near Donelson, Tenn., and tried to pull driver Childress from cab; he escaped.
105	June 18, 1955	Gunshot	B. & S. Motor Lines	do	327	Shotgun blast hit office door at Nashville terminal.
106	June 23, 1955	do	do	do	327	Truck driven by A. B. McKinney and Lloyd Barnett shot at near Asheville, N. C.
107	June 29, 1955	do	do	do	327	Truck driven by Paul Welch shot at near Nashville.

See footnote at end of table.

173 acts of union violence in a 5-State (Tennessee, Kentucky, Georgia, Ohio, and North Carolina) area involving both teamsters and barbers disputes, 1953 to present—Continued

Item No.	Date	Type of violence	Victim	Reported to police	Local No.	Supplemental data
108	June 18, 1955	Gunshot	B. & S. Motor Lines	Yes	327	Truck driven by Harold Seymour and Larry Beaver shot at in Nashville.
109	do	Assault and battery	do	do	327	Pickets stopped truck at Nashville terminal and stoned driver.
110	July 6, 1955	Gunshot	do	do	327	Truck shot at en route to Nashville.
111	July 8, 1955	Rock throwing	do	do	327	10-pound rock thrown against truck driven by Kenneth Puckett and Wayne Puckett en route from Nashville to Knoxville.
112	do	Gunshot	do	do	327	Shotgun blast fired into side of truck driven by Ted Barnett at McMinnville, Tenn.
113	July 9, 1955	Truck sabotage	do	do	327	Tractor No. 11 connecting apparatus damaged causing trailer to break away in Nashville.
114	do	Gunshot	do	do	327	Shot fired at Nashville terminal; Nathan Long, B. & S. employee, saw picket Kelway Howell nearby with shotgun.
115	July 10, 1955	Assault with shotgun	A. B. McKinney, B. & S. Lines driver	do	327	Driver shot driving truck near Lebanon, Tenn.
116	July 16, 1955	Gunshot	B. & S. Motor Lines	do	327	Truck driven by Raymond Peterson fired at near McMinnville, Tenn.
117	July 23, 1955	Dynamiting	do	do	327	2 cars wrecked on B. & S. lot at Charlotte, N. C., by dynamite hurled in night.
118	Aug. 12, 1955	Assault and battery	Carl R. Harris, Keith-Simmons Co.	do	327	Harris, Keith-Simmons' employee, beaten while on delivery by an unknown man in Nashville.
119	Aug. 15, 1955	Gunshots	B. & S. Motor Lines	do	327	Truck driven by V. H. Williams fired at near Colliersville, Tenn.
120	Aug. 19, 1955	do	do	do	327	Truck driven by Davis Robertson fired on at Nashville; the hit.
121	Aug. 29, 1955	Window breaking	E. B. Manley Barber Shop	do	35	Shop windows smashed at night in Nashville during union dispute, \$80 damage.
122	Aug. 30, 1955	do	Webb Barber Shop	do	35	Shop windows smashed at night in Nashville; \$120 damage.
123	do	Truck sabotage	Huber & Huber Co.	do	321	Trucks stripped while parked at Grindstaff's truck stop at Greenback, Tenn.
124	Aug. 31, 1955	Gunshot	B. & S. Motor Lines	do	327	William Sherill, delivery boy, chased from Nashville terminal with shotgun while attempting to cross picket line.
125	Sept. —, 1955	Assault and battery	Lynn Schroeder	do	327	Mistaken for B. & S. employee—beaten at railroad siding in Nashville by teamsters members.
126	Sept. 15, 1955	Attempted assault	Paul Gregory, Keith Simmons Co. employee	No	327	Ralph Vaughn, teamsters business agent, threatened to beat Gregory in Nashville during labor dispute.

127	Sept. 17, 1955	Gunshots.....	B. & S. Motor Lines.....	Yes.....	327	Shots fired at driver James Norris in truck near Nashville.
128	Sept. 22, 1955	do.....	do.....	do.....	327	Shots fired into cab of truck driven by Denver Jones and William Sawyer near Nashville.
129	Sept. 24, 1955	Dynamiting.....	do.....	do.....	327	Trailer No. 18 damaged by blast while parked at McKenzie, Tenn.; damage, \$2,500.
130	Sept. 25, 1955	Gunshot.....	do.....	do.....	327	Truck driven by Fred Baker fired at near Monterey, Tenn.
131	Sept. 26, 1955	do.....	do.....	do.....	327	Shot fired at truck driven by Harold Seymour near Rockwood, Tenn.
132	Oct. —, 1955	Assault and battery.....	do.....	do.....	327	Several men attacked driver on road in Nashville.
133	do.....	do.....	M. A. Winslow, Keith-Simmons employee.	do.....	327	Winslow beaten in Nashville by teamsters agents W. A. Smith, Ralph Vaughn and unidentified man while driving for company during union dispute.
134	do.....	Truck sabotage.....	Keith-Simmons Co.....	do.....	327	Truck siruped in company parking lot, Nashville; \$150.
135	do.....	Attempted assault.....	Everett Clay, Keith-Simmons employee.	do.....	327	Clay threatened with bodily harm in Nashville by W. A. Smith, teamsters union business agent.
136	do.....	Assault and battery.....	Carl Harris, Keith-Simmons employee.	do.....	327	Harris beaten while driving truck in Nashville for company during labor dispute.
137	Oct. 21, 1955	Gunshot.....	B. & S. Motor Lines.....	do.....	327	Truck driven by Raymond Peterson and Carl Peterson, fired at near Lebanon, Tenn.
138	Oct. 23, 1955	do.....	do.....	do.....	327	Bullet hit right fender of truck driven by David Robertson near Knoxville.
139	Oct. 27, 1955	do.....	do.....	do.....	327	Shots fired into B. & S. terminal office at Charlotte, N. C.
140	Nov. 21, 1955	Assault.....	James Bruce, B. & S. Lines driver.	Yes (Perry Cannady, C. B. Richardson, and James Gilley arrested).	327	Bruce assaulted in Nashville; suffered skull and jaw fractures (Cannady and Richardson sentenced; Gilley acquitted. Cannady and Richardson appealing 11-month 29-day sentences and \$1,000 fines).
141	Nov. 29, 1955	Food contamination.....	American Bakers Co.....	No.....	621	Kerosene poured on truckload of bakery products in Knoxville during organizational drive by teamsters; estimated damage, \$2,500.
142	Dec. 15, 1955	Assault and battery.....	Eugene Evans.....	do.....	327	Evans was assaulted in Knoxville after voicing objection to the way union meetings were conducted.
143	Jan. —, 1956	Vandalism.....	Jersey Farms Co.....	do.....	327	Milk-vending machines damaged in Nashville; \$50 damage.
144	do.....	do.....	do.....	do.....	327	Milk cartons punctured on shelves in several Nashville stores.
145	do.....	do.....	do.....	do.....	327	Pasteurizing machine sabotaged in Nashville; damage, \$100.
146	Jan. 4, 1956	Truck sabotage.....	Prior Brown Transfer Co.....	Yes.....	621	Truck siruped in Knoxville yard; damage, \$900.
147	Jan. 5, 1956	Window breaking.....	do.....	do.....	621	Windshield and door of truck damaged in London, Ky.; damage, \$125.
148	Jan. 25, 1956	Truck sabotage.....	do.....	do.....	621	8 tires slashed on truck in yard at Knoxville; damage, \$940.
149	May —, 1956	do.....	Hester Battery Co.....	do.....	327	Truck siruped in Nashville; damage, \$300.
150	do.....	Rock throwing.....	do.....	do.....	327	Nonstriking employees and trucks stoned in Nashville attempting to make deliveries.
151	do.....	Attempted assault.....	do.....	do.....	327	Picket threatened Carlton Lowery, office manager, with shotgun in Nashville.

See footnote at end of table.

173 acts of union violence in a 5-State (Tennessee, Kentucky, Georgia, Ohio, and North Carolina) area including both teamsters and barbers disputes, 1953 to present—Continued

Item No.	Date	Type of violence	Victim	Reported to police	Local No.	Supplemental data
152	1953 May —, 1956	Truck sabotage	Hester Battery Co.	Yes	327	Nails scattered in driveway, causing trucks to have flats in Nashville.
153	June 10, 1956	Window breaking	Hunt's Barber Shop	do	35	Shop windows smashed at night in Nashville; damage, \$185.
154	June —, 1956	Truck sabotage	Newman Pemberton Co.	do	621	63 tires slashed on trucks parked at Cincinnati, Ohio; estimated damage, \$8,000.
155	July 30, 1956	Gunshots	do	do	621	3 shots fired at truck on road near Knoxville; shot hit tire.
156	Aug. 8, 1956	Gunshot assault	Ray Byrd, driver, Newman Pemberton Co.	do	621	Byrd shot in shoulder and arm while driving truck near La Follette, Tenn.; spent month in hospital.
157	Aug. 11, 1956	Truck sabotage	Newman Pemberton Co.	do	621	Truck strung on lot in Atlanta, Ga.
158	Aug. —, 1956	Arson	do	do	621	Repair shop where trucks were parked in Knoxville damaged by fire; estimated damage, \$2,800.
159	Aug. 20, 1956	Truck sabotage	do	do	621	15 trucks strung on company lot in Knoxville; damage, \$2,500.
160	Sept. —, 1956	Attempted dynamiting	Hoover Truck Lines	do	327	17 sticks of dynamite found in rear of trailer No. 317 in Nashville.
161	Sept. 2, 1956	Dynamiting	Newman Pemberton Co.	do	621	Trucks on property of Bush Canning Co. destroyed by blasts in Knoxville; damage, \$25,000; 57 sticks of dynamite did not explode.
162	Sept. —, 1956	do	Powers Grocery	do	621	Store dynamited at night in Knoxville after argument between owner and teamster official.
163	Sept. 7, 1956	do	Newman Pemberton Co.	do	621	Truck blown up on company lot in Knoxville; damage, \$1,200.
164	Sept. 18, 1956	Gunshot	do	do	621	Truck operated by Carlos Billbery fired on near Knoxville; 2 front tires and radiator hit; damage, \$300.
165	Oct. 26, 1956	Dynamiting	Robert Caldwell, Purity Packing Co.	do	621	Car of nonunion driver blown up at home in Knoxville; damage, \$700; wife and child knocked out of bed.
166	Nov. 9, 1956	Truck sabotage	Prior Brown Transfer Co.	do	621	Steel wool put in motor of truck on lot in Knoxville after company refused to retire union driver; damage, \$750.
167	1957 May —, 1957	Assault and battery	M. A. Trevathan, Peeco Oil employee.	Yes (Barton Grubbs, union picket, arrested).	327	Charged with trying to run down nonunion man with car in Nashville; not guilty.
168	May 5, 1957	Assault with brick	C. A. Stevens, Peeco Oil employee.	do	327	Pleaded guilty to rock throwing in Nashville (\$100 fine).
169	May 13, 1957	Dynamiting	Rutledge Barber Shop	Yes	35	Shop in Nashville destroyed by blast during dispute with barbers union; damage, \$5,000; 1st barbershop incident since confinement of Cannady and Peters in July 1956.

170	May 16, 1957	Assault	Donald Childress, Peco worker.	Yes (Kenneth Brooks arrested and fined \$100). Yes	327	Childress attacked in restaurant in Nashville; Brooks pleaded guilty.
171	May 21, 1957	Window breaking	Residence of E. B. Manley, barber.	-----	35	Porch glass windows shot out at night in Nashville during dispute with union.
172	Aug. 1, 1957	Truck sabotage	Mar Dan Block Co.	-----do-----	327	Nails in driveway during union dispute in Nashville caused flat tires.
173	Sept. 22, 1957	Assault	Keith Draper, American Bread Co. driver.	-----do-----	327	Draper assaulted in Nashville during organization at company by teamsters; Cannady identified as assailant.

¹ Teamsters local No. 327 in Nashville.

² Barbers local No. 35 in Nashville.

³ Teamsters local No. 621 in Knoxville.

Mr. DUFFY. I would like to explain the chart.

On the far left hand corner we have the number of items, the number of acts of violence, starting with No. 1 and terminating on chart No. 2, with 173. Mr. Kennedy pointed out that we are getting continual reports of additional violence in this area and the chart is not completely up to date as of this moment. The number of acts is in excess of 173 at this point.

In column No. 2 we have the type of violence involved. It runs the gamut from dynamiting to truck sabotage, to assault and battery, arson, siruping up of trucks, breaking of windows, and shootings on the highway particularly.

The next column shows the victim involved. That could be the employer, the firm, and the name is inserted here, or if an assault took place, the name of the individual is listed.

In the next column we have if the incident was reported to police officials. In most instances it was reported to police, and in some instances it was not.

In the next column, the arrests that were made relating to each specific instance that is noted. You notice there were very few arrests made. Most of them were made at the instigation of the employers themselves, and not by the local law-enforcement officials.

In the column "Convictions," the next column, it is very significant of the 173 acts of violence we have only 8 cases that were solved in a court of law.

In the next column, we have the local involved. I might say at this point that we have three locals involved, as I said before, local 327 in Nashville, a teamsters local, and local 612, a teamsters local in Knoxville, and a barbers union, local 35. Now, you notice across from the particular act of violence we have a local union number. That means specifically that the teamsters were attempting to organize the firm in column 2, or an employee of the firm that was assaulted in column 2.

Across from that, we have supplemental data, additional facts relating to the specific act of violence.

During the course of these hearings, we will have a number of witnesses who will testify first hand relative to the information on this particular chart.

I would also like to make mention of the relationship between the teamsters local 327 and the barbers local 35. Earlier this year we had hearings in Scranton, showing that teamsters were used in the building trades, for picketing and also the teamster committed acts of violence for the building trades union in that area. Here we have instances of teamsters committing acts of violence for the barbers union in Nashville.

I draw your attention specifically to item No. 91 and 92 on the chart. We have windows broken at barbershops in Nashville, and we have Perry Canaday, a teamsters union official currently holding that position in Nashville, breaking barbershop windows, along with Sam Peters, rank and file member of the teamsters in Nashville.

They were arrested for breaking these two barbershop windows, on April 9, 1955. They were convicted. Both received 6-month sentences, and were fined \$100 each. Now, you notice prior to this incident taking place, there are a number of window breakings in

Nashville with no convictions or no arrests. This is the first arrest relating to window breakings in that area. From the time of their arrests, and incidentally it states here that he was arrested on May 22, rather than April 9—this is the date that the incident was reported. Subsequent to that time, we have two instances of window breakings after this arrest.

Immediately upon their conviction, they appealed their cases to the Supreme Court of Tennessee, and bond was made. They were out on bond. But during that period they were out on bond, we have additional window breakings, but they have decreased substantially in number. We have 1, 2, and 3 in 1956. On June 10, 1956, another window breaking at the Hunt's Barber Shop in Nashville.

It is very significant that the Supreme Court of Tennessee sustained the convictions of Mr. Peters and Mr. Cannady, in July of 1956. During the remaining part of that year, while Mr. Canaday and Mr. Peters were incarcerated, there were no acts of violence relating to the barbers union in Nashville. It may be a pure coincidence, but nevertheless that is a fact.

Now in January of 1957, Mr. Canaday, who, we feel, is one of the main individuals responsible for the violence in the Nashville area, as is indicated by this chart and other testimony to be developed during this hearing, was released from prison. Then we have additional acts of violence relating to the barbers union.

We have a dynamiting taking place at the Rutledge Barber Shop on May 31, 1957. We also have a window breaking here in 1957, relating to the barbers union. Then we have Mr. Canaday arrested again on September 22, 1957, for assault and battery, and that case was discovered within the last 3 weeks, although it occurred in September. Mr. Seigenthaler of the Nashville Tennessean newspaper, who received a tip with reference to that incident, made available that information to us, and we secured a deposition from Mr. Draper, the party who was assaulted, naming Mr. Canaday as the assailant. That information was made available to the grand jury in Nashville, and Canaday was indicted this past Monday, December 2, 1957.

Mr. KENNEDY. I would like to go back, Mr. Duffy, as to how these acts of violence occurred in a labor-management dispute. Is there a general pattern that you found in the investigation?

Mr. DUFFY. Yes, there is. In most instances this violence flowed from organizational drives by the teamsters local either in Nashville, local 327, or the teamsters local 621 in Knoxville, or the barbers local 35 in Nashville. These were organizational drives by those unions to gain new members.

Now, during the course of a discussion between the employer and the union, the union would approach the employer and say to him, "We have a majority of your employees signed up who want to join the union." The employer invariably requested an election.

Very shortly thereafter, pickets would appear in front of the establishment, and then the acts of violence that are indicated on these two charts took place.

Mr. KENNEDY. So that the teamsters' union, these locals would go in to an employer, and say that they wanted to sign a contract, and the employer would say "We want an election," and the teamsters' union would refuse the election and put a picket line around the entire area, and then the acts of violence began to occur?

Mr. DUFFY. We will have direct testimony on that during the course of these hearings.

Mr. KENNEDY. On these acts of violence, according to our records, as I understand it, there were some 10 dynamitings; is that right?

Mr. DUFFY. That is correct. There were 10 dynamitings during this period.

Mr. KENNEDY. Thirty-five assaults?

Mr. DUFFY. Yes, sir.

Mr. KENNEDY. And three arsons?

Mr. DUFFY. That is correct.

Mr. KENNEDY. And 24 different instances where either trucks were shot at or where the place of business of the employer was shot at, is that right?

Mr. DUFFY. That is right.

Mr. KENNEDY. And there were 33 different instances where trucks were siruped up—sirup was put in the gas tank of trucks?

Mr. DUFFY. That is right.

Mr. KENNEDY. Altogether, that involved in that 33 different instances, there were some 93 trucks?

Mr. DUFFY. That is a very conservative figure.

Mr. KENNEDY. There were about 93 trucks, and 33 different instances?

Mr. DUFFY. Yes; actually siruped.

Mr. KENNEDY. In addition to that, there were 180 other trucks that were damaged in other manners?

Mr. DUFFY. That is correct.

I would like to emphasize how we got this information, Mr. Chairman. We received leads from various concerns in the Tennessee area that sabotage or damage had been done to their property, and we would contact the employer and check his record, and we came up with a lot of the information from the actual files of the employers themselves.

Also we checked newspaper clippings and reports of violence that the Nashville Tennessean had in their files, and we checked leads out from those newspaper clippings and contacted employers.

Mr. KENNEDY. I understand you received cooperation from the other newspapers?

Mr. DUFFY. The Nashville Banner and the other newspapers.

Mr. KENNEDY. In Knoxville and in Chattanooga?

Mr. DUFFY. That is right.

The CHAIRMAN. As I understand it, you have not placed on the chart or listed an incident of violence just because it was reported in a newspaper, but you have checked it out with the employer and with management so as to substantiate it?

Mr. DUFFY. We have checked every incident out, Mr. Chairman.

The CHAIRMAN. I do not discount the ingenuity of the press at all, but we like to check those things out and get confirmation.

Mr. DUFFY. We used the newspaper clippings as leads.

Mr. KENNEDY. From your investigation and Mr. McShane's investigation, could you give the committee an estimate, conservative estimate as to the amount of damage that was caused and the amount of damage, physical damage, that was caused and the loss of business that occurred because of these various acts of violence?

Mr. DUFFY. It is difficult to come to an estimate. I think, conservatively speaking, over \$2 million would be a conservative figure.

The CHAIRMAN. The amount of damage to property?

Mr. DUFFY. And loss of profits the employers suffered as a result of these organizational drives by these unions.

Mr. KENNEDY. This type?

Mr. DUFFY. This type.

The CHAIRMAN. Did you break it down as to what part of that over \$2 million would be actual physical damage to property which could be ascertained?

Mr. DUFFY. Mr. Chairman, we will have some testimony directly on that during the course of these hearings. Perhaps it would be better to wait for the witnesses to testify on that.

The CHAIRMAN. Mr. McShane, is there anything you have to add to what your colleague has said?

Mr. McSHANE. No, sir.

The CHAIRMAN. Thank you.

Call the first witness, Mr. Kennedy.

Mr. KENNEDY. Mr. Pemberton.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PEMBERTON. I do.

TESTIMONY OF J. R. PEMBERTON

The CHAIRMAN. Please be seated.

Will you state your name, your place of residence, and your business or occupation.

Mr. PEMBERTON. J. R. Pemberton, Clinton, Tenn., secretary-treasurer of Newman-Pemberton Trucking Co.

The CHAIRMAN. Secretary-treasurer of what?

Mr. PEMBERTON. Newman-Pemberton Trucking Co.

The CHAIRMAN. Mr. Pemberton, you are familiar, I assume, with the rules of the committee which permit you to have counsel present while you testify, if you desire, to advise you of your legal rights?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. You waive counsel?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Thank you very much.

Mr. Kennedy, proceed.

Mr. KENNEDY. You are an official of your trucking company?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. You are one of the founders of the company?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. You own it with Mr. Newman; is that right?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Your company operates in about 10 States?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. You have approximately 55 different trailers; is that right?

Mr. PEMBERTON. About 60 trailers.

Mr. KENNEDY. And you operate in 10 States?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. You have been operating since what time?

Mr. PEMBERTON. 1948.

Mr. KENNEDY. Your headquarters are where?

Mr. PEMBERTON. Knoxville.

Mr. KENNEDY. Now in 1956 was there an effort made by the teamsters' union to organize your employees?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. When did that occur?

Mr. PEMBERTON. The latter part of May.

Mr. KENNEDY. Latter part of May 1956?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. You were approached by whom?

Mr. PEMBERTON. By the teamsters local 621.

Mr. KENNEDY. Local 621.

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Who approached you from that local? Who did you have the conversation with?

Mr. PEMBERTON. Mr. Reynolds?

Mr. KENNEDY. Mr. William Reynolds?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. His position was president of that local?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Who else was there?

Mr. PEMBERTON. Mr. Payne.

Mr. KENNEDY. Mr. Hubert L. Payne?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. He was another teamster official of 621?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. They said they wanted to sign a contract with you?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Did they say they had your employees signed up?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. What statement did you make to them at that time?

Mr. PEMBERTON. Well, we asked them for an election. They only wanted to represent a certain unit of drivers.

Mr. KENNEDY. They wanted to represent just a unit. You said you wanted an election of all your drivers, is that right?

Mr. PEMBERTON. Yes.

Mr. KENNEDY. What unit did they want to represent?

Mr. PEMBERTON. The long-haul drivers.

Mr. KENNEDY. Over-the-road drivers?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. You said you wanted an election, is that right?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. What occurred then?

Mr. PEMBERTON. They refused to give us an election. They said they wouldn't have an election. So we petitioned the National Labor Relations Board for an election.

Mr. KENNEDY. What did the National Labor Relations Board hold?

Mr. PEMBERTON. Pardon me?

Mr. KENNEDY. What did the National Labor Relations Board hold?

Mr. PEMBERTON. They did not come in right away. After the time we petitioned them for an election the union filed several unfair labor practice charges.

Mr. KENNEDY. Against you?

Mr. PEMBERTON. Yes.

Mr. KENNEDY. How did the National Labor Relations Board hold on those charges against you?

Mr. PEMBERTON. They were all dismissed.

Mr. KENNEDY. But just at the time that there would be a determination that an election should be held, then the union filed an unfair labor practice against you?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. And that delayed the time of the election, is that right?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. During this period of time were there any acts of violence against your company?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. When did they begin?

Mr. PEMBERTON. They began shortly after the strike.

Mr. KENNEDY. Your teamsters put a picket line out in front of your company?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Were your men on strike?

Mr. PEMBERTON. They were on strike June 16.

The CHAIRMAN. Your employees?

Mr. PEMBERTON. Yes, sir; part of the employees.

The CHAIRMAN. What percentage?

Mr. PEMBERTON. I would say about 50 percent of them.

The CHAIRMAN. Just about half.

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. Did you ever hold this election?

Mr. PEMBERTON. No, sir.

Senator CURTIS. Never did?

Mr. PEMBERTON. No, sir.

Senator CURTIS. What did the National Labor Board do with your request?

Mr. PEMBERTON. By the time they came in and filed an election date, the union filed a disclaimer of interest in our drivers.

The CHAIRMAN. They did what?

Senator CURTIS. The union filed a disclaimer.

Mr. PEMBERTON. Yes, sir. Disclaimed any further interest in this unit of drivers.

The CHAIRMAN. You mean after the election had been ordered by the NLRB?

Mr. PEMBERTON. An election had not been ordered. But we thought it was time they were setting one up.

The CHAIRMAN. In other words, you had petitioned for an election?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. And you were anticipating a decision on your request for an election?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. And the union did what?

Mr. PEMBERTON. Filed a disclaimer.

Senator CURTIS. In other words, did that amount to giving up efforts to organize you?

Mr. PEMBERTON. Yes, sir; they quit.

Senator CURTIS. How many employees did you have that would be involved?

Mr. PEMBERTON. I would say approximately 25.

Senator CURTIS. How large a local union is 621?

Mr. PEMBERTON. I don't know how large.

Senator CURTIS. In numbers.

Mr. PEMBERTON. I don't know.

Senator CURTIS. Is it a big union?

Mr. PEMBERTON. Is is a fair size. I don't know how many members. I would say a thousand, 1,500 members.

Senator CURTIS. Then these acts of violence occurred after they admitted before the National Labor Relations Board they were not interested in organizing you?

Mr. PEMBERTON. Yes, sir. That occurred before.

Senator CURTIS. Which came first?

Mr. PEMBERTON. The acts of violence came first.

Senator CURTIS. Were there any acts of violence after?

Mr. PEMBERTON. No, sir.

Senator CURTIS. How much time elapsed from the time you asked the National Labor Relations Board for an election until they filed this disclaimer?

Mr. PEMBERTON. About 3 months.

Senator CURTIS. How many employees did you say you had?

Mr. PEMBERTON. Twenty-five.

Senator CURTIS. I wonder if anybody on the staff can tell me whether or not the law requires that an election be held up just because somebody files a charge of unfair labor practices. I wonder what that has to do with it. Either the union represents people in there or they don't.

Mr. KENNEDY. That causes a delay.

Senator CURTIS. I know it does, but is it required by the statute?

Mr. KENNEDY. I think on the grounds that an unfair labor practice has been committed, the National Labor Relations Board holds that they should wait until that is settled before the election is held because otherwise the election might be unfair.

Senator CURTIS. My observation is that the National Labor Relations Board waits until it is too late before they ever move.

The CHAIRMAN. I understand that whenever there is a request for election and then if unfair labor practice charges are filed the Board undertakes to dispose of the unfair labor practices prior to ordering the election. Is that the general procedure? That is correct as you understand it?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Am I correct?

Mr. KENNEDY. I believe so.

Senator CURTIS. I know they do it but I wondered why.

Mr. KENNEDY. Now, you say a picket line was placed around your business; is that right?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. In which some of your employees participated?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Did any acts of violence occur in connection with any of your other depots or in connection with your trucks?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Will you tell us what the first one was?

Mr. PEMBERTON. The first one was we had the——

Mr. KENNEDY. You have to speak up.

Mr. PEMBERTON. We had 76 tires cut and punctured in the Cincinnati terminal.

Mr. KENNEDY. Cincinnati, Ohio, is your terminal?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. What was the damage that occurred there?

Mr. PEMBERTON. Approximately \$4,000.

Mr. KENNEDY. When did that occur? Do you have some papers there?

Mr. PEMBERTON. That occurred August 4, 1956.

Mr. KENNEDY. On August 4, 1956.

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. That was shortly after you had first been approached, which was in June 1956, is that right, by the teamsters?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. May I ask one question at this point?

Did representatives of the union ever present to you a signed petition or a signed card, a declaration of a majority of your employees that they wanted a union or wanted to join a union?

Mr. PEMBERTON. No, sir.

The CHAIRMAN. They have never presented such evidence to you?

Mr. PEMBERTON. No, sir.

The CHAIRMAN. They only made the claim that they had a majority?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. When you requested an election?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Did you believe they had a majority?

Mr. PEMBERTON. No, sir; they did not.

The CHAIRMAN. In fact, did you know they did not have?

Mr. PEMBERTON. No, sir; I did not know.

The CHAIRMAN. You believe they did not have?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. They have never to this date presented you with any evidence of the fact that they had a majority of your employees signed up other than their statement to you?

Mr. PEMBERTON. No, sir; they haven't.

Mr. KENNEDY. So in August of 1956 this first act of violence occurred with the slashing of some 76 tires in your depots in Cincinnati, Ohio?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. During this period of time did you start receiving threatening telephone calls at your home?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Will you tell us about that?

Mr. PEMBERTON. Well, some of the calls they would ring the phone and breath in the phone and wouldn't say anything. Other times they threatened to bring me in on a slab.

Mr. KENNEDY. How often did those telephone calls come?

Mr. PEMBERTON. I would say 3 or 4 a week.

Mr. KENNEDY. At what time did they occur?

Mr. PEMBERTON. Usually between midnight and morning.

Mr. KENNEDY. Were there any telephone calls to any members of your family?

Mr. PEMBERTON. Yes, sir; my wife received numerous calls.

Senator CURTIS. Was there anything about those calls that would indicate as to who was making them?

Mr. PEMBERTON. Yes, sir. They would tell my wife if she didn't stop me from trying to operate that they would dynamite, she was liable to get blown out of bed some night, or different things like that.

Senator CURTIS. In other words, even though you could not identify any voice it would occur in such a way that you would know that it was tied in with your union difficulties, with your trucking concern?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. So your wife was told you would be brought home on a slab or that her home would be dynamited?

Mr. PEMBERTON. Yes.

Mr. KENNEDY. And at other times telephone calls would come in the middle of the night and someone would just breathe into the telephone?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Then acts of violence began to occur, first with the slashing of the tires in Cincinnati. Now what was the second incident?

Mr. PEMBERTON. We had two acts of violence before that, one act of violence before that. We had one truck run off the road and wrecked.

Mr. KENNEDY. Where did that occur?

Mr. PEMBERTON. In Lexington, Ky. That was some time in July.

Mr. KENNEDY. They ran one of your trucks off the road, is that right?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. What happened after that, what occurred?

Mr. PEMBERTON. Well, on the way in, bringing that wrecked truck in with our wrecker, apparently the same guy tried to run the wrecker off the road.

Mr. KENNEDY. Was anybody arrested in connection with that?

Mr. PEMBERTON. No, sir.

The CHAIRMAN. Was the party identified who was driving the other car?

Mr. PEMBERTON. No, sir; we were never able to identify him.

The CHAIRMAN. Was it reported to local officials?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Did it occur in the daytime or night?

Mr. PEMBERTON. At night.

The CHAIRMAN. At night.

Mr. PEMBERTON. Yes, sir; they had their lights disconnected on their license plates. That was the reason we were unable to obtain the license number.

Mr. KENNEDY. So they ran your truck off the side of the road and when the wrecker came to pick the truck up and bring it in to town they came back and tried to run the wrecker off?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. What was the next thing that occurred?

Mr. PEMBERTON. The next one, about August 1, 1956, we had a truck fired upon.

Mr. KENNEDY. Who was the driver of that truck?

Mr. PEMBERTON. Roy Byrd.

Mr. KENNEDY. How do you spell his name?

Mr. PEMBERTON. B-y-r-d.

Mr. KENNEDY. Nothing happened to him personally?

Mr. PEMBERTON. No, sir.

Mr. KENNEDY. Then what happened? He was the company driver, is that right?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. You say he was fired on. Was the truck hit?

Mr. PEMBERTON. Pardon?

The CHAIRMAN. Was the truck hit?

Mr. PEMBERTON. Yes, sir. They shot two tires down on the trailer.

The CHAIRMAN. That stopped the truck?

Mr. PEMBERTON. No, sir. It did not stop it right then.

The CHAIRMAN. It did not stop that driver under those circumstances?

Mr. PEMBERTON. No, sir.

Senator CURTIS. Where did that happen?

Mr. PEMBERTON. That happened about 5 or 10 miles south of Georgeville, Tenn.

Senator CURTIS. What county is that in?

Mr. PEMBERTON. Campbell, Ky.

Senator CURTIS. Is that the county that Knoxville is in?

Mr. PEMBERTON. No, sir.

Senator CURTIS. Was that reported?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. To whom was it reported?

Mr. PEMBERTON. To the State highway patrol.

Senator CURTIS. At what point?

Mr. PEMBERTON. La Follette, Tenn.

Senator CURTIS. By whom?

Mr. PEMBERTON. I believe by Mr. Byrd.

Senator CURTIS. How soon after it happened was it reported?

Mr. PEMBERTON. I would say that night, the same night it happened.

Senator CURTIS. Reported to the State highway patrol?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. What did they do about it?

Mr. PEMBERTON. I don't know what they done about it. We never heard any more of it.

Senator CURTIS. Did the highway patrol ever come back and re-check Mr. Byrd's story or make any further investigation that you know of?

Mr. PEMBERTON. Not that I know of.

Senator CURTIS. That is all.

Mr. KENNEDY. What happened after that?

Mr. PEMBERTON. Around August 4 is when we had the tires were slashed in Cincinnati.

Mr. KENNEDY. Then what occurred?

Mr. PEMBERTON. Around August 9 Mr. Byrd was shot through the shoulder from ambush.

The CHAIRMAN. The same driver?

Mr. PEMBERTON. Yes, sir; between Jellico and La Follette, Tenn.

Mr. KENNEDY. He was shot coming up a hill?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Was he very critically injured?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. He went to a hospital?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. What was he shot with?

Mr. PEMBERTON. He was shot with a rifle.

Mr. KENNEDY. The truck was ambushed at the top of the hill.

Mr. PEMBERTON. Yes, sir. The truck was hit 12 or 15 times with bullets.

Senator CURTIS. That happened in Campbell County?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. To whom was that reported?

Mr. PEMBERTON. The State highway patrol and county authorities.

Senator CURTIS. Were there any arrests?

Mr. PEMBERTON. No, sir; not that I know of.

Senator CURTIS. Was there anything that came to your attention to indicate an investigation was made?

Mr. PEMBERTON. Pardon?

Senator CURTIS. Was an investigation made by the sheriff or the highway patrol?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. What did they do?

Mr. PEMBERTON. We have never heard any more of that. I don't know what they have done.

Senator CURTIS. They said they made an investigation?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. Did they do anything that came to your knowledge? Did they have lengthy interviews with the victim? Did they make measurements on the highway? Did they interview the people who live near that point? Do you know about any of these things being done of your own knowledge?

Mr. PEMBERTON. Yes, sir; I do know they talked with the victim. I don't know about the people around in that vicinity. I don't know whether they checked with them or not.

Senator CURTIS. Now, did the patrol do it or the sheriff's office?

Mr. PEMBERTON. I think both agencies were out, the patrol and the sheriff.

Senator CURTIS. Do you happen to know—and I don't care for a technical answer—do you happen to know in Tennessee whether the highway patrol's law enforcement is confined pretty much to traffic matters or do they take jurisdiction of such things as a shooting with probable intent to kill on the highways?

The CHAIRMAN. Do you know whether Mr. Byrd had ever been threatened himself or had these warning telephone calls or threatening calls prior to the time he was shot?

Mr. PEMBERTON. No, sir; I do not.

The CHAIRMAN. He did not report such incidents to you?

Mr. PEMBERTON. Not to me.

Mr. KENNEDY. Mr. Chairman, Mr. Byrd will be the next witness, and can throw some light on that incident.

Then he was shot at on August 9 and hit on that date.

Now, what occurred after that?

Mr. PEMBERTON. On or about September 2 we had a dynamiting at Bush Bros. & Co. canning plant.

Mr. KENNEDY. Bush Bros., is that right?

Mr. PEMBERTON. Yes, sir; Bush Bros. & Co., canneries, at Chestnut Hill, Tenn. That is where we keep some of our equipment located.

Mr. KENNEDY. You do their trucking?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. There was dynamiting that took place there?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. How much damage was done?

Mr. PEMBERTON. Approximately \$25,000.

Mr. KENNEDY. In addition to the \$25,000 worth of damage did you find some other dynamite sticks that did not go off?

Mr. PEMBERTON. Yes, sir; we found 57 sticks that did not go off.

Mr. KENNEDY. Do you have some pictures there of the damage that occurred and of the dynamite?

Mr. PEMBERTON. Yes, sir; I do have.

The CHAIRMAN. Let the record show that the witness presents to the committee a series of three pictures which will be made exhibit No. 1-A, B, and C. They can be marked accordingly.

The photographs referred to were marked "Exhibits 1-A, 1-B, and 1-C" for reference and may be found in the files of the select committee.)

The CHAIRMAN. I hold in front of you 1 picture, 1 of the 3 pictures you have presented. Can you see from where you are and describe or identify this picture and tell us about the damage that was caused?

Mr. PEMBERTON. Yes, sir. That is one of the tractors that received the most damage. That tractor belongs to Bush Bros. Canning Co.

The CHAIRMAN. That was not your tractor but was property of the company which you served?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. How much damage was done to this tractor?

Mr. PEMBERTON. It was a complete loss. It amounted to \$14,500.

The CHAIRMAN. You mean for this one tractor alone it was a complete loss to the amount of about \$14,500?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Let this one be made exhibit 1-A.

I hold another picture in front of you which you have presented. Can you identify this picture?

Mr. PEMBERTON. Yes, sir. This is the same tractor with the trailer. Now, the trailer was beyond repair because of the rivets. It stretched the metal and could not be repaired.

The CHAIRMAN. So not only the tractor but the trailer was a complete loss?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. That is included in the \$14,500?

Mr. PEMBERTON. No, sir. That is not included. That is in addition to the tractor.

The CHAIRMAN. That is in addition.

How much additional loss then is represented by this picture?

Mr. PEMBERTON. I would say approximately \$3,000.

The CHAIRMAN. This picture may be made exhibit 1-B.

Now I present to you another picture, the last of the series of three which you have presented. What does that picture represent?

Mr. PEMBERTON. That is a picture of the dynamite that did not explode because of a faulty fuse. That was under four of my trailers, the Newman and Pemberton trailers.

The CHAIRMAN. In other words, this dynamite shown here in the picture, these sticks of dynamite had been placed under four of the trucks and trailers owned by you or your company?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. And they did not go off?

Mr. PEMBERTON. No, sir.

The CHAIRMAN. Had the fuse been lit?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. But they did not go off. Why?

Mr. PEMBERTON. Because of a faulty fuse is the reason they did not go off. The fuse did go out, it burned down some but not enough to ignite it.

The CHAIRMAN. Thus by reason of the faulty fuse you were saved approximately how much damage?

Mr. PEMBERTON. Well, four trailers, I would say approximately \$15,000.

The CHAIRMAN. Approximately \$15,000. I understand this dynamite was under just the trailers and not under the trucks or tractors.

Mr. PEMBERTON. That is right. It was located near a warehouse where there was 40 or 50 people working. It might have caused some injuries to them.

The CHAIRMAN. This may be made exhibit 1-C.

Senator CURTIS. Was anybody arrested in connection with that?

Mr. PEMBERTON. No, sir; not that I know of.

Senator CURTIS. To whom was that reported?

Mr. PEMBERTON. That was reported to the county sheriff, the State highway patrol, and I understand the Tennessee Bureau of Investigation worked on it a while.

Senator CURTIS. All in Knoxville?

Mr. PEMBERTON. No, sir. In Jefferson County, Tenn.

Senator CURTIS. This did not happen in Knoxville?

Mr. PEMBERTON. No, sir.

Senator CURTIS. What is the county seat of Jefferson County?

Mr. PEMBERTON. Dandridge.

Senator CURTIS. Dandridge?

Mr. PEMBERTON. I believe that is right, Dandridge.

Senator CURTIS. Now, was there a thorough investigation?

Mr. PEMBERTON. Yes, sir; to the best of my knowledge.

Senator CURTIS. Did they ever find out where the dynamite came from?

Mr. PEMBERTON. No, sir; not that I know of.

Senator CURTIS. Now you had a good idea who was doing all this, did you not?

Mr. PEMBERTON. Well——

Senator CURTIS. Or what group was instigating it. I will put it that way.

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. Of that group that were instigating it, how many people made up that group? Do you know that?

Mr. PEMBERTON. I don't know.

Senator CURTIS. You could not give us an estimate of how many union organizers and associates and accomplices were involved in all this reign of terror that went on for these weeks?

Mr. PEMBERTON. No, sir; I don't know how many. I only knew a few of them.

Senator CURTIS. Would you guess it was more than 25?

Mr. PEMBERTON. I don't know. I would say it was probably 25.

Senator CURTIS. All in all, how much property did you lose by reason of violence, that which you have testified about and that which you are going to later testify about?

Mr. PEMBERTON. \$41,000, approximately.

Senator CURTIS. Is that covered by insurance?

Mr. PEMBERTON. No, sir.

Senator CURTIS. Insurance of that type is quite expensive, is that right?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. So it was a complete loss to you?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. How much of that \$41,000 loss—now, that is yours, that does not include the other.

Mr. PEMBERTON. That includes the other property. That includes what happened to the Bush Bros. Co., too.

Senator CURTIS. But it does not include loss of business?

Mr. PEMBERTON. No, sir; it does not include that.

Senator CURTIS. How much would that amount to?

Mr. PEMBERTON. We estimate that at \$175,000 gross loss.

Senator CURTIS. For the loss of business?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. So this violence damaged you as much as \$210,000 or \$215,000.

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. Roughly how much of that \$210,000 or so damage took place after you asked the National Labor Relations Board for an election and the time the union filed that disclaimer?

Mr. PEMBERTON. All of it.

Senator CURTIS. All of it?

Mr. PEMBERTON. Yes, sir.

Well, there was about a week——

Senator CURTIS. Was there any effort made to get you to withdraw your petition for an election during that time?

Mr. PEMBERTON. No, sir.

Senator CURTIS. But the union objected to the petition, of course?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. They did not want you to file it?

Mr. PEMBERTON. No, sir.

Senator CURTIS. Did they ask you to withdraw it at any time?

Mr. PEMBERTON. No, sir; they did not, not to my knowledge. I don't think they did.

Senator CURTIS. That is all.

Mr. KENNEDY. However, they did indicate to you that they would never permit an election; did they not?

Mr. PEMBERTON. Yes, sir; they did.

Mr. KENNEDY. In answer to Senator Curtis about the fact that this investigation of these bombings was thorough, as I understand it, it was the Tennessee Bureau of Investigation that was brought in?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Did you learn that they made a complete and thorough investigation?

Mr. PEMBERTON. I never did learn exactly.

Mr. KENNEDY. Did you learn to the contrary that they had been called off in the middle of the investigation?

Mr. PEMBERTON. Yes, sir; they told us that they had been called in.

Mr. KENNEDY. So it was not a thorough investigation; was it?

Mr. PEMBERTON. No, sir.

Senator CURTIS. Who called them off?

Mr. PEMBERTON. I don't know. It was just hearsay.

Senator CURTIS. Who told you that they were called off?

Mr. PEMBERTON. There was someone I believe in the sheriff's office of Jefferson County that told me.

Senator CURTIS. Were they referring to the Tennessee Bureau of Investigation and the sheriff's office, or which one had been called off?

Mr. PEMBERTON. The Tennessee Bureau of Investigation.

Senator CURTIS. Did any one in the Tennessee Bureau of Investigation tell you that?

Mr. PEMBERTON. No, sir.

Senator CURTIS. Did they ever make a report?

Mr. PEMBERTON. Not that we could find.

Senator CURTIS. Did they make any investigation to your knowledge after this report was out that they had been called off?

Mr. PEMBERTON. Not that I know of.

Senator CURTIS. Who controls the Tennessee Bureau of Investigation?

Mr. PEMBERTON. I imagine the Governor; I don't know.

Senator CURTIS. But it is a State authority?

Mr. PEMBERTON. Yes, sir.

Senator CURTIS. That is all.

Mr. KENNEDY. Did any other damage occur to any of your trucks other than the ones you related?

Mr. PEMBERTON. Yes, sir. We later, around September 8, we had another truck dynamited. That was on our lot in Knoxville, Tenn.

Mr. KENNEDY. How much was the damage for that?

Mr. PEMBERTON. About \$1,500.

Mr. KENNEDY. Do you have a picture of that also?

Mr. PEMBERTON. Yes, sir, I do have.

Mr. KENNEDY. That was another dynamiting?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. That picture may be made exhibit No. 2. (Document referred to was marked "Exhibit No. 2" for reference and may be found in the files of the select committee.)

The CHAIRMAN. The pictures as exhibits will be for reference only.

Mr. KENNEDY. I might say here that there will be a slight inconsistency between this witness' testimony and the chart, and that is due to the fact that when we first talked to the witness, he was not as definite as to the details as he is at the present time. Is that not correct?

Mr. PEMBERTON. That is correct.

Mr. KENNEDY. And the dates that he gave us and the estimate of loss have been verified by him since that time and therefore his testimony is more accurate and more complete. He puts in some events that we do not have on the charts and some dates are changed slightly but otherwise it is correct.

The CHAIRMAN. The damage is greater according to your testimony than listed on the chart?

Mr. PEMBERTON. Yes.

Mr. KENNEDY. He has put in a number of different incidents, Mr. Chairman.

The CHAIRMAN. Comparing the charts with your testimony, that can be determined. But just for passing information, that is correct, is it not?

Mr. KENNEDY. That is correct.

Now, you said that the dynamiting of this other truck was concerned. What about the siruping of your trucks? Did that occur?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. When did that happen?

Mr. PEMBERTON. We don't know exactly when it happened, but during the strike we had 17 or 18 trucks, that is between June 16 and to about the 1st of October, we had 17 or 18 trucks siruped.

Mr. KENNEDY. What does that mean?

Mr. PEMBERTON. They pour sirup in the crankcase in the motors, and when you start these engines and they get warm, they lock up. All of the bearings and everything locks in them, and it completely ruins the engine.

Mr. KENNEDY. What was the loss on the siruping of your trucks?

Mr. PEMBERTON. We caught part of them. We figure we had about \$4,500 loss.

Mr. KENNEDY. How many did you catch?

Mr. PEMBERTON. There was 3 motors ruined, and 4 or 5 others that we didn't ruin completely at that time. But they did go back later.

Mr. KENNEDY. They were damaged; is that right?

Mr. PEMBERTON. Yes, sir.

Then we had about 10 or 12 that we were able to flush out and clean up before we started them, and we saved those engines.

Mr. KENNEDY. One of those trucks, the siruping occurred in Atlanta, Ga.; is that correct?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. And the rest were in Tennessee and various other areas in Tennessee?

Mr. PEMBERTON. That is correct.

Senator CURTIS. Did you ever find any cans or barrels or kegs that this sirup was in?

Mr. PEMBERTON. Yes, sir, they found a can in Atlanta that the sirup was used out of.

Senator CURTIS. In Tennessee, did they ever find any containers?

Mr. PEMBERTON. No, sir.

Senator CURTIS. Were there ever any arrests made for that?

Mr. PEMBERTON. Not that I know of.

Senator CURTIS. It was reported?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. To go back to your loss of business that you referred to, this first picture that I believe, or the first exhibit, where that truck was completely destroyed, you said it belonged to the company you served?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Did you lose the business of that company by reason of this violence?

Mr. PEMBERTON. No, sir. During the strike, we did lose part of their business, but we later regained it after the strike.

Mr. KENNEDY. As you have pointed out before, you were handling the business of Bush Bros.; is that right?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Did anything else occur to any of their trucks other than this dynamiting?

Mr. PEMBERTON. Yes, sir. There was 1 of their trucks, or 2 of their trucks stopped by 1 of our strikers near Williamsburg, Ky.

Mr. KENNEDY. And what happened then?

Mr. PEMBERTON. They were turned around and told they couldn't go on with that freight.

The CHAIRMAN. Were they on a public highway?

Mr. PEMBERTON. Yes, sir; they were pulled off by a gunboy off the highway and turned around and told to go back.

The CHAIRMAN. There were a number of armed men; were there not?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. And they had guns out?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. And they made them turn around and go back?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Was he able to identify—driver of the truck—able to identify any of these men?

Mr. PEMBERTON. Yes, sir, one of the men.

The CHAIRMAN. Who did he identify?

Mr. PEMBERTON. Clarence Oaks.

The CHAIRMAN. And he was a teamster official in Kentucky?

Mr. PEMBERTON. No, sir; he was one of our strikers.

The CHAIRMAN. One of the strikers from your company?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Was he prosecuted?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. And what did they find?

Mr. PEMBERTON. He was acquitted.

The CHAIRMAN. Do you know who paid the legal fees for that person, for Oaks?

Mr. PEMBERTON. No, sir.

The CHAIRMAN. You don't know whether it was the local in Knoxville, Tenn.?

Mr. PEMBERTON. No, sir.

The CHAIRMAN. He is still working for you?

Mr. PEMBERTON. He later came back, but then he quit. He is not with us at the present time.

The CHAIRMAN. Was that under orders of the NLRB?

Mr. PEMBERTON. No, sir.

Mr. KENNEDY. Did anything further occur?

Mr. PEMBERTON. Well, on or about August 27, the repair shop where we have our work done—not owned by us, but they do all of our major repair—is was burned. We had a truck in that shop at the time.

Mr. KENNEDY. What is that?

Mr. PEMBERTON. We had a truck in the shop at the time it was burned.

Mr. KENNEDY. How much damage occurred in that?

Mr. PEMBERTON. Well, the damage to our truck was approximately \$850, and the damage to the shop was \$1,050, and there was another truck belonging to the Three Musketeers Products Co., damaged \$1,839.

Mr. KENNEDY. Was anybody arrested in connection with that?

Mr. PEMBERTON. No, sir.

Mr. KENNEDY. There were no prosecutions?

Mr. PEMBERTON. No, sir.

Mr. KENNEDY. It was reported to the police, however?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Was there anything else?

The CHAIRMAN. Was there anything in connection with that to indicate arson, or was it just an unexplainable fire?

Mr. PEMBERTON. Well, about a week before that we had a truck in that shop, and there was sirup put in the engines while it was sitting in that yard, in their yard, and the building caught fire from the outside of the building and apparently from the outside.

The CHAIRMAN. There were circumstances or evidence indicating that it was an act of arson?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Finally, there was another shooting; is that right?

Mr. PEMBERTON. Yes, sir. About October 1, near Caryville, Tenn., we had another truck shot at.

Mr. KENNEDY. What damage occurred in that?

Mr. PEMBERTON. They shot a hole in the motor, and one in the radiator, and both front tires and rims were ruined. There were several shots hit the truck.

Mr. KENNEDY. Where was that?

Mr. PEMBERTON. In Caryville, Tenn.

Mr. KENNEDY. What was the damage?

Mr. PEMBERTON. Approximately \$600.

Mr. KENNEDY. Was that reported to the police?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Were any arrests made in connection with that?

Mr. PEMBERTON. Not that I know of.

Mr. KENNEDY. During this whole period of time, you and your wife were receiving these threatening phone calls; is that right?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Are you organized yet?

Mr. PEMBERTON. No, sir; they disclaimed interest in our company.

The CHAIRMAN. When did the violence stop with respect to the time of the disclaimer of interest?

Mr. PEMBERTON. It stopped at that time, sir.

The CHAIRMAN. You have had none since the disclaimer of interest?

Mr. PEMBERTON. No, sir.

The CHAIRMAN. You had none before they undertook to organize?

Mr. PEMBERTON. No, sir.

The CHAIRMAN. All of the violence to which you have testified occurred during the period of their attempt to organize your 25 employees?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. So altogether you had about a dozen acts of violence against you and your employees; is that right?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. Including 3 shootings, several arsons, 2 dynamitings, and a slashing of tires; is that right?

Mr. PEMBERTON. Yes, sir.

Mr. KENNEDY. And it occurred in Kentucky, Georgia, Tennessee, and Ohio?

Mr. PEMBERTON. Yes, sir.

The CHAIRMAN. Is there anything further?

Senator CURTIS. No; I think not.

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much. Call your next witness.

Mr. KENNEDY. Mr. Roy Byrd.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BYRD. I do.

TESTIMONY OF ROY BYRD

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. BYRD. My name is Roy Byrd. I live in Cincinnati, Ohio, and I work for Newman Pemberton Corp.; terminal manager.

The CHAIRMAN. How long have you been their employee?

Mr. BYRD. Approximately 5 years.

The CHAIRMAN. You are advised of course that you have the right to counsel while you testify, if you so desire.

Mr. BYRD. Yes, sir.

The CHAIRMAN. You waive counsel?

Mr. BYRD. Yes, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. You are terminal manager of the Newman Pemberton Corp. in Cincinnati, Ohio?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. How long have you held that position?

Mr. BYRD. Approximately 3 years.

Mr. KENNEDY. And prior to that time you were a truck driver?

Mr. BYRD. Right.

Mr. KENNEDY. For how long were you a truck driver?

Mr. BYRD. For the company, approximately a year and a half.

Mr. KENNEDY. Prior to that, what were you doing?

Mr. BYRD. I drove a truck for different companies and myself.

Mr. KENNEDY. You were in the service before that, were you not?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. For how long were you in the service?

Mr. BYRD. Approximately 2 years.

Mr. KENNEDY. In the Army?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. During 1956, the teamsters attempted to organize your company; is that right?

Mr. BYRD. That is right.

Mr. KENNEDY. And you and your fellow employees?

Mr. BYRD. Right.

Mr. KENNEDY. Were you at that time anxious to belong to the teamsters union or join the union?

Mr. BYRD. No, sir; I was never approached to join.

Mr. KENNEDY. Did you want to join the union?

Mr. BYRD. No, sir.

Mr. KENNEDY. You were not interested in it?

Mr. BYRD. No, sir.

Mr. KENNEDY. Now, you were driving a truck; is that right?

Mr. BYRD. Right.

Mr. KENNEDY. You were shot at while driving a truck?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. While the teamsters were attempting their organization drive?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. When did that first occur?

Mr. BYRD. Probably the 1st of August, the first time.

Mr. KENNEDY. What happened?

Mr. BYRD. I met a car; it passed me and shot at me as we were side by side; and then, after it was behind me, it hit two tires on the trailer, on the back of the trailer.

Mr. KENNEDY. And you continued on?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Did you report that to the police?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Was any action taken, do you know?

Mr. BYRD. Not that I know of.

Mr. KENNEDY. Did you continue to drive?

Mr. BYRD. Yes, sir.

Senator CURTIS. Before we leave that, what time of day did it happen?

Mr. BYRD. It was probably 2 o'clock in the morning.

Senator CURTIS. Do you know what kind of a car it was?

Mr. BYRD. I couldn't swear. I think it was a Plymouth sedan.

Senator CURTIS. Do you know how many people were in it?

Mr. BYRD. No, sir; I couldn't see.

Senator CURTIS. You couldn't get any license number?

Mr. BYRD. No; I met them at a curve and they were gone before I noticed it.

Mr. KENNEDY. Were you shot at again?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Prior to going into that, during this period of time were you receiving any threatening telephone calls?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Could you tell us about that?

Mr. BYRD. I would get them, and they would say I shouldn't do this, or I couldn't do this.

Mr. KENNEDY. You shouldn't do what?

Mr. BYRD. Drive a truck. I am not supposed to work; they are on strike. I am not supposed to work.

Mr. KENNEDY. They told you not to work; is that right?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Did your wife get any threatening telephone calls?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. They called your wife?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. What would they say to her?

Mr. BYRD. They were going to bring me home in a blanket and put me on the porch.

Mr. KENNEDY. Was your wife upset?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Were you upset?

Mr. BYRD. I was mad.

Mr. KENNEDY. After you were shot at the first time, and you received these threatening telephone calls that you would be put on a slab, and your wife received these threatening telephone calls, weren't you frightened at that time?

Mr. BYRD. No; just mad.

Mr. KENNEDY. You decided to continue to drive?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. And you did continue?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. And you were shot at again?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Would you tell us what happened?

Mr. BYRD. It was up a hill, and evidently there were 3 or 4 on an embankment to my left, and they waited until I was even or passed them, and then they started shooting. And they hit the truck, and I think it was either 14 or 16 times they hit the truck, and there was 1 just grazed my back, and there was 1 went completely through my shoulder and out my arm.

Mr. KENNEDY. You were driving and you had another assistant there?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Where was he?

Mr. BYRD. He was asleep, laying down.

Mr. KENNEDY. And some of them, the bullets came right through the cabin?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. And he was lying down?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. What would have happened to him if he had been sitting with you?

Mr. BYRD. It would have gone through his head.

Mr. KENNEDY. What was the damage that occurred to you?

Mr. BYRD. I got a broken right shoulder, and arm, and they are both stiff now.

Mr. KENNEDY. Can you move all of your fingers?

Mr. BYRD. Yes, sir; I can move my fingers and my arm to my elbow, but not above it.

Mr. KENNEDY. Above your elbow you can't move it?

Mr. BYRD. That is right.

Mr. KENNEDY. How long were you in the hospital?

Mr. BYRD. Twenty-nine days.

Mr. KENNEDY. Were you listed in critical condition?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Are you able to drive a truck at the present time?

Mr. BYRD. No, sir.

Mr. KENNEDY. You can never drive a truck again?

Mr. BYRD. No, sir.

Senator CURTIS. What was the date of that?

Mr. BYRD. August 9, 1956, around midnight.

Senator CURTIS. Near what place in Tennessee?

Mr. BYRD. Near La Follette.

Senator CURTIS. Did you have to stop your truck immediately?

Mr. BYRD. Yes, sir.

Senator CURTIS. Did you see anybody around?

Mr. BYRD. No, sir.

Senator CURTIS. Now, these 3 or 4 people that were on the embankment, you saw those as you passed?

Mr. BYRD. No, sir; I am just assuming there were 3 or 4, with as many shots as were fired. I didn't see anybody. They were to my back.

Senator CURTIS. Did you lose consciousness?

Mr. BYRD. No, sir.

Senator CURTIS. When was that reported to the police authorities?

Mr. BYRD. That night. The boy who was with me unhooked the trailer and took me to the hospital, and then reported it to the highway patrol, and the Campbell County police.

Senator CURTIS. Did they interview you?

Mr. BYRD. Yes, sir.

Senator CURTIS. How many times?

Mr. BYRD. Once that time, and about 4 days later. Only twice.

Senator CURTIS. Did they extract any bullets out of the truck?

Mr. BYRD. There is only fragments, and they didn't get a complete bullet.

Senator CURTIS. And the bullet that hit you did not lodge in your body but went on through?

Mr. BYRD. That is right.

Senator CURTIS. To your knowledge was anyone ever arrested?

Mr. BYRD. No, sir.

Senator CURTIS. Are you satisfied that those shots were fired by someone who had information as to your route that you were going to take that night, and the time of your departure?

Mr. BYRD. Yes, sir.

Senator CURTIS. Were any individuals picked up for questioning?

Mr. BYRD. Not that I know of.

Senator CURTIS. No arrests at all?

Mr. BYRD. No.

Senator CURTIS. The officers cannot apprehend anyone for questioning?

Mr. BYRD. I don't remember. I was in the hospital at the time, and they might have, but not after I was out, I don't think.

The CHAIRMAN. Did they pursue the matter any further after you were out of the hospital?

Mr. BYRD. They never contacted me.

The CHAIRMAN. The officers after you got out of the hospital, have never contacted you and never pursued the matter any further so far as you know?

Mr. BYRD. That's right.

Mr. KENNEDY. It was clearly an ambush, was it not?

Mr. BYRD. Yes, sir; well planned, I would say.

Mr. KENNEDY. Because the first time you had to come around a corner?

Mr. BYRD. That is right.

Mr. KENNEDY. And you would have to slow down to come around the corner and then you have to come to the top of the hill.

Mr. BYRD. Yes, sir.

Mr. KENNEDY. So you would be going very slowly.

Mr. BYRD. Yes, sir.

Mr. KENNEDY. And to the best of your knowledge, you were shot at from both sides of the road?

Mr. BYRD. Only the left side.

Mr. KENNEDY. From the left side of the road?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. But there were more than one group of shots?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. There were 16 or 14 bullets that hit the truck; is that right?

Mr. BYRD. And there were some more in the road that never hit the truck, and you could see.

Mr. KENNEDY. And it was obviously, either an attempt to kill you and your companion, or there were so many bullets fired that you and your companion could very well have been killed?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. And if your companion had been sitting up straight, he would have been killed?

Mr. BYRD. Yes, sir.

The CHAIRMAN. Did they fire from each side of the road?

Mr. BYRD. No, sir; just the left side.

The CHAIRMAN. Just from the left side?

Mr. BYRD. Yes, sir.

The CHAIRMAN. On the side of the driver?

Mr. BYRD. Yes, sir; and they were from an angle.

The CHAIRMAN. Do you know whether your assistant driver had been threatened as you had?

Mr. BYRD. No; I couldn't say for sure, but I would say he had been.

The CHAIRMAN. So they were primarily, of course, after the driver?

Mr. BYRD. Yes, sir.

The CHAIRMAN. They could not know, though, that you would be

the particular driver at the time, whether you or your assistant would actually be driving the truck, at the time of the shooting?

Mr. BYRD. It was possible they could have. We made a stop approximately 40 miles from there.

The CHAIRMAN. You had made a stop, and you had taken over the wheel?

Mr. BYRD. That's right.

The CHAIRMAN. At a place where that could have been observed?

Mr. BYRD. That's right.

The CHAIRMAN. And therefore they could have followed you up to that point or gotten ahead of you and waylaid you?

Mr. BYRD. That's right.

Mr. KENNEDY. You still have a good number of scars, have you not?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Both in your back and in the front where the bullet came out?

Mr. BYRD. Yes, sir.

Mr. KENNEDY. Would you be willing to exhibit them so that we might see them?

Mr. BYRD. Yes, sir; if you want me to.

Mr. KENNEDY. Well, I think you testified to these things, and no one is doubting what you are saying about it, but I would like to have you exhibit it here, and let a picture be made of it, and I want to make that picture an exhibit to this testimony.

Is that agreeable?

Senator CURTIS. It is agreeable.

The CHAIRMAN. If it is agreeable I would like to have you exhibit those wounds and let a picture be made, and I will ask the photographers if they will accommodate the committee without being subpoenaed to deliver a copy of the photograph after it is developed, for exhibit 3 for this record.

(At this point the witness removed the clothing from his shoulders and exhibited his bullet wounds.)

(The photograph referred to will be marked "Exhibit No. 3" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Thank you very much, Mr. Byrd.

You will have to carry that disability all of your life and continue to be incapacitated and disabled from performing the duties of your occupation prior to the time you were injured?

Mr. BYRD. Yes, sir.

The CHAIRMAN. And it is all because your employer would not sign a blackjack contract with the union?

Mr. BYRD. Yes, sir.

The CHAIRMAN. And you didn't want to belong to the union, anyhow.

Mr. BYRD. That's right. They said I couldn't work.

The CHAIRMAN. They said you couldn't work if you didn't.

Mr. BYRD. Yes, sir.

The CHAIRMAN. And this is the penalty you paid?

Mr. BYRD. That's right.

The CHAIRMAN. For standing up for your rights as an American to have a job, to work at it, and to earn a living for yourself and your family?

Mr. BYRD. That is the way I look at it.

The CHAIRMAN. Is there anything further, Senator?

Mr. KENNEDY. That is all, Mr. Chairman.

Senator CURTIS. If I may interrupt, there are approximately 25 employees of this trucking company. Did you know most of them?

Mr. BYRD. Yes, sir.

Senator CURTIS. In your opinion, the majority of them, did they want the union?

Mr. BYRD. No, sir; I don't think so.

Senator CURTIS. Also, do you have an opinion as to whether or not some of them who did go along with the union, did so because they were intimidated or frightened?

Mr. BYRD. I wouldn't say that, and I don't know. But I would say that there were three categories. You have one that definitely do want it, and one that definitely don't, and you have got the others that just go along with the crowd.

Senator CURTIS. There were more that did not want it?

Mr. BYRD. I would say so; yes, sir.

Senator CURTIS. That is all.

The CHAIRMAN. Notwithstanding that it has never been definitely established by judicial processes and no one has ever been accused formally or prosecuted or convicted for this assault upon you, do you have a pretty good idea who did it?

Mr. BYRD. No, sir; I don't have the slightest idea.

The CHAIRMAN. You don't know, and you could not identify them?

Mr. BYRD. I couldn't name any names.

The CHAIRMAN. You could not name names?

Mr. BYRD. No, sir.

The CHAIRMAN. Well, the Chair on behalf of the committee, wishes to thank you for your cooperation. I do not know what final results or what will finally be the fruits of our labors, but I am hopeful that out of this exposé of gangsterism and crime and blackmail and violence that we can find and will be willing to enact some laws that will afford better protection to working people of this country who simply ask for their freedom, and nothing more, and just to work at an honest occupation and be left alone. I am hoping we can do it.

Thank you very much.

Mr. BYRD. Yes, sir.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Paul Andrews.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ANDREWS. I do.

TESTIMONY OF PAUL L. ANDREWS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. ANDREWS. Paul L. Andrews. I live at 415 Landon Drive, Nashville, Tenn. I am vice president of the Thurston Motor Lines.

The CHAIRMAN. Thurston Motor Lines?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. Do you waive counsel?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Prior to becoming a vice president of Thurston Motor Lines, did you hold some other position in a motortrucking company?

Mr. ANDREWS. I was the president of B & S Motor Lines, with headquarters in Nashville, Tenn., until August 1, 1956, on which date we consummated a merger between my company and Thurston Motor Lines, and then B & S Motor Lines became as Thurston Motor Lines, a part of Thurston Motor Lines.

Mr. KENNEDY. We are concerned primarily here with your operations of the B & S Motor Lines Co. Could you tell us how big an operation that was?

Mr. ANDREWS. Well, at that time during the period that I think you are interested in, we operated three terminals. Our home terminal was Nashville, Tenn., and a terminal in Memphis, Tenn., and a terminal in Charlotte, N. C.

Mr. KENNEDY. Now, could you tell the committee briefly as you have told me about the situation regarding the union; first, the teamsters union and then the independent union, and what occurred, which culminated in the events that we will be primarily interested in?

Mr. ANDREWS. We had a little unique situation with respect to our over-the-road drivers. Our company owned the trailer part of the equipment and contracted with owner operators to pull the trailers, or to move the trailers from one terminal to the other, with their own equipment. In other words, they were independent contractors, contracting to the company to move its trailers and its freight.

Now then, there was another category of drivers, of course, being the local pickup and delivery and dockworkers that were actually employees of the company.

When I took over the company there, the teamsters union had a contract covering the local people. That is to say, they were contracting to represent the local pickup and delivery and dockworkers at the Nashville terminal, only. They were seeking to force me to sign a contract allowing them to represent the owner operators or the independent contractors who were pulling our trailers for us. We contended that there was no place for a union contract with that group of people in that they were businessmen of their own right and consequently it was not incumbent upon me to try to force a contract on people who were in business for themselves.

I so advised the union numerous times. Then later, after the expiration of the teamsters union contract which was in effect at the time that I took over the operation of this company, after that expired—

Mr. KENNEDY. Just so we get that straight, that was with your local drivers; is that right? They were actually employees?

Mr. ANDREWS. That's right. They were employees and, of course, had every right to belong to a union if they desired to.

Mr. KENNEDY. Your company did have a contract with the teamsters union in connection with those drivers?

Mr. ANDREWS. That's correct. That contract expired, I believe, on January 31, 1955.

In the meantime there had been this harassment going on there with the teamsters union trying to force recognition for these owner operators, so that apparently the local pickup and delivery drivers didn't like that too much and either they got interested in an independent union or the independent union got interested in them, one or the other, and there were eight such employees at the Nashville terminal.

The independent union petitioned the National Labor Relations Board for an election. Of course, immediately then the teamsters union filed unfair labor charges, charging that we were dominating the men, and I don't know what all. That held the thing up for some time, possibly 60 days perhaps, and I am not sure about the delay there.

During that time a lot of violence occurred, which we will go into later, if you desire. But finally when the thing had run its gantlet, that is the unfair labor charges had run their gantlet of some 60 days, the Labor Board came in and held an election as between no union at all, the independent union, and the teamsters union.

Well, the result of the election was that the teamsters union didn't get a single vote. The independent union got all of the votes.

So they no longer, of course, could represent that group. That left for them only the possibility of representing the owner-operators or the independent contractors, as we referred to them.

Then the independent union, which had been successful in gaining recognition to represent the local pickup and delivery employees, filed a petition with the NLRB to represent the same group that the teamsters union were trying to represent. The Labor Board came in and made its investigation of the matter and determined that they were not employees, but rather that they were independent contractors and that the Labor Board had no place to take jurisdiction in this case, and consequently indicated there was no place for a labor union to enter the picture.

But that did not deter the teamsters union, and they persisted and would go out and change their signs periodically from one thing to another, and persisted in picketing and all of the other disturbances.

Mr. KENNEDY. What did the union do?

Mr. ANDREWS. The independent union accepted the National Labor Relations Board decision and discarded any desire to represent that group of people.

Mr. KENNEDY. But the teamsters continued to attempt to represent them, is that right?

Mr. ANDREWS. That is right, sir.

Mr. KENNEDY. That gives us the background and the history. During this period of time that you have been discussing, did you have conferences and conversations with teamster union officials?

Mr. ANDREWS. Yes, I did between November of 1954 and May 2, I believe, of 1955. I had some 20 contacts with various officials of the Teamsters Union, Local 327, most of which contacts were initiated on the part of the union. In fact, all were, and most of which contacts resulted either directly or indirectly in certain threats.

Mr. KENNEDY. Will you tell us what occurred as far as threats that were made to you during this period of time that was described and with whom you had these conversations?

Mr. ANDREWS. In November of 1954 business agents Ewing King and another business agent whose name I don't remember offhand, came to my office and told me that I had better get two of my independent contractors who they came to see me about, whose name was Hampton and the other name was Johnson, to sign up with the teamsters union, to come into their union. I advised them that it was not my prerogative to either encourage or discourage membership in theirs or any other union. They left me with the very definite feeling that if I did not go ahead and exercise certain encouragement for these two individuals to become members of local 327 of the teamsters, that I could expect trouble with them. Of course, they didn't go into any elaboration as to just what the trouble would be but they made it very clear to me that if I didn't go along and encourage membership on the part of these two individuals I could expect trouble.

Mr. KENNEDY. Then did you have further conversations with the other individuals?

Mr. ANDREWS. Yes. Later on December 7, in fact, Lordly, a steward or business agent of the union, came on to our property at the Nashville terminal and was attempting to whip or beat up one of these same men we were just discussing and I went out and got him and brought him into my office and was conferring with him about the matter, trying to get the trouble straightened out there, and about that time right in the middle of our conference two of the teamsters' other business agents stormed into the office, almost broke the door down and entered my office, unannounced of course, and wanted to know what was going on. I kind of got the thing settled down a little bit there after a good bit of discussion and abusive language on their part, and they told me, in fact Bob Ozment—

Mr. KENNEDY. O-z-m-e-n-t?

Mr. ANDREWS. Yes.

Mr. KENNEDY. Was he business agent?

Mr. ANDREWS. And so was Ewing King, who was the other business agent who stormed into my office. Bob Ozment told me he was going to stop these nonunion drivers from pulling freight out of North Carolina into Nashville and through Nashville. I said, "Well, Bob, how are you going to go about it? I am managing this business, I ought to be able to operate it."

Then Ewing King spoke up and says, "Well, we have ways and means by which to do that."

I said, "Mr. King, do you mean by that statement that you are going to take a club and beat someone over the head with it?"

He looked at Ozment and said to him, "Andrews has been around, he knows how we operate; doesn't he?"

That ended that conversation in that particular interview.

Mr. KENNEDY. During this period of time were some of your independent contractors receiving threats?

Mr. ANDREWS. Yes; they did all through this period. Then later on December 17, 1954, the union and some of the trucklines had this grievance procedure set up. They were having a grievance meeting in Nashville. On this particular day a friend of mine from Knoxville, who is a representative of the Huber & Huber Motor Express, was participating on the side of management in this particular grievance conference. Later in the afternoon of this day he came to me and told

me that Bob Ozment, business manager of local 327, asked him to come and tell me that if I did not get straight immediately with the Teamsters' Union Local 327 he was going to close me up.

Along about this same time 2 individuals who apparently was W. A. Smith and Perry Canaday approached 2 of the independent contractors in the garage.

Mr. KENNEDY. Who is W. A. Smith?

Mr. ANDREWS. W. A. Smith was a business agent of local 327.

Mr. KENNEDY. Is he also known as "Dummy" Smith?

Mr. ANDREWS. That is right.

Mr. KENNEDY. And "Hard-Hearing Smitty"?

Mr. ANDREWS. That is right.

Mr. KENNEDY. He wears a hearing aid?

Mr. ANDREWS. Yes, sir.

Mr. KENNEDY. And he came?

Mr. ANDREWS. He along with Perry Canaday.

Mr. KENNEDY. C-a-n-a-d-a-y?

Mr. ANDREWS. That is right. He is a business agent for local 327. He approached these two drivers in the garage of the General Truck Sales at Nashville and made threats to them of bodily injury if they did not join their union. Then on January 4 of 1955 this same W. A. Smith that we were just discussing along with Perry Canaday and another individual or two whom I did not know drove onto my terminal lot and partially blocked a driveway there and stopped an Arnold Ligon truck, the driver of which was named Curtis. They took him out of the truck, brought him over to their car and started going through his bills. He was bringing freight to us, that is, Interchange Traffic. I left my office and went out to the car to see what was going on there, and W. A. Smith, the business agent of 327, was sitting on the right side of the front seat of the automobile.

As I approached the automobile Smith stormed out of the car, came around behind it and walked up to me, putting his toes on or against my toes with his nose about 3 inches from my nose, and started cursing me and using every kind of vile and filthy language that he could possibly think of for at least 3 or 4 minutes.

He stood there continuing that kind of conversation until he apparently completely exhausted his vocabulary of all the vile and vulgar language he could think of, at which time, after I had not responded as he apparently thought I would by making some move or another, then he very meekly and quietly withdrew himself and got back in the car and they drove away. But they succeeded in also sending the Arnold Ligon truck and driver away with my freight, too.

Mr. KENNEDY. Then they attempted to get you to sign a contract? Senator CURTIS. Excuse me.

Was there a hot cargo clause involved in that, their change of freight there?

Mr. ANDREWS. Yes, sir; but that came later. That did not happen right at this time. What they were doing, they were putting the pressure, they would come out and sit—this was before the picket lines was set up, all this business was going on before they actually put up a picket line but they would come out and wait for the other drivers who were members of their local to approach our terminal

and then they would stop them as they had done this particular driver and send them away.

Apparently they would threaten them or do whatever was necessary to cause them to take the freight away and not deliver it to us.

On January 31, Bob Ozment, whom we have mentioned here before and who was a business agent for local 327 of the teamsters, came into my office with some kind of mimeographed piece of paper and asked me to sign this contract. He threw it on my desk and said, "Sign that." I said, "What is it?"

He said, "That is the contract." There were only a couple of pages of it. I didn't know what it was. It looked more like a power of attorney to me.

I said, "Mr. Ozment, that does not look like any contract to me. I suggest you contact my lawyer, Mr. Wilson Sims, because I have turned these matters of signing contracts over to him and will you please contact him about this business of signing a contract."

He said, "We'll see about that but I am not interested in your lawyer signing any of the contracts. You are the man whose signature I want on this contract."

Then he went on away but he told me that they were going to put up a picket line the next day.

Well, the next day they didn't put the picket line up as he threatened, but the following day, on February 2, 1955, they did erect the picket lines.

Senator CURTIS. 1956?

Mr. ANDREWS. 1955.

Senator CURTIS. 1955?

Mr. ANDREWS. That's right. They did erect a picket line and we got that picket line removed by State court injunction.

It was removed unconditionally. That held and all the violence and everything else stopped. Everything stopped and everything ran smoothly through there for awhile. On May 1, I believe it was, the State court modified the injunction to permit peaceful picketing only. Then immediately the next day Bob Ozment came to my office and said, "I am giving you one last chance to sign this contract before we set up a picket line." None of this time had he furnished me any information that even one single one of these independent contractors wanted to belong to his union or held membership in his union.

The CHAIRMAN. Did he leave a copy of the contract for your examination?

Mr. ANDREWS. No, sir; he carried it on with him.

The CHAIRMAN. Did you ever read it?

Mr. ANDREWS. I never did have an opportunity to read it.

The CHAIRMAN. You never knew what was in it?

Mr. ANDREWS. No, sir.

The CHAIRMAN. He was not asking you to read it. He was just asking you to sign it.

Mr. ANDREWS. That is correct.

Senator CURTIS. Is that what they refer to as negotiating a contract?

Mr. ANDREWS. Well, maybe they considered it that, sir.

Ozment, the next day after the injunction was modified, came to my office and says, "I am giving you one last chance to sign this contract," and he did not even take it out of his pocket this time.

I said, "Mr. Ozment, have you contacted my attorney as I requested you to?" He said, "I am not interested in contacting your attorney and you can sign this contract or else I am going to put up a picket line now."

I said, "Well, now, so far as I am concerned you will have to go ahead and put up a picket line."

So he left my office and went on out and established the picket line.

Mr. KENNEDY. Were there certain acts of violence committed against your company and against the employees of your company?

Mr. ANDREWS. Yes, sir.

Mr. KENNEDY. Did they start on December 9, 1954?

Mr. ANDREWS. Yes, sir.

Mr. KENNEDY. And continue through November 21, 1955?

Mr. ANDREWS. That's correct.

Mr. KENNEDY. During this period of controversy; is that right?

Mr. ANDREWS. Yes, sir.

Mr. KENNEDY. During that period of time, according to the records we have, there were some 34 separate acts of violence.

Mr. ANDREWS. Actually 38.

Mr. KENNEDY. And they started on December 9, 1954, and went through the date I mentioned, November 21, 1955?

Mr. ANDREWS. Yes, sir.

Among the acts of violence—this is not all of them—but among those acts of violence there were 19 shootings, 2 bombings, 1 slugging, and 6 syrupings and tire slashings. That, of course, is not all, but those constitute the major acts of violence.

The CHAIRMAN. Nineteen shootings. What is the other?

Mr. ANDREWS. Two bombings, 1 slugging, and 6 syrupings and tire slashings.

Senator CURTIS. How many arrests?

Mr. ANDREWS. Two individuals were arrested.

Senator CURTIS. How many convictions?

Mr. ANDREWS. We got two. They were arrested on the slugging charges, which was the last act of violence that we had.

Mr. KENNEDY. That is No. 140 on the chart over here. On November 21, 1955, that is when this man was slugged?

Mr. ANDREWS. That's right.

Mr. KENNEDY. Could you tell us what occurred on that date?

Mr. ANDREWS. On November 21, 1955?

Mr. KENNEDY. Yes.

Mr. ANDREWS. If I could back up just a little to give you a little background prior to that, sir, after the State had modified this injunction they came out and set up this picket line, then we started the other process of going the long route to the NLRB.

So it went on the regular processes of trying to get the NLRB to handle the matter which finally culminated in our getting an injunction in Federal court to completely remove the picket line. This injunction, I believe, was effective on October 16, 1955. Then, as you know, after a Federal court gives an injunction, then the NLRB sends its trial examiner in to examine all the evidence to see whether or not the Federal court has erred in its decision and will reexamine the whole process of evidence to determine whether or not the injunction shall stand or be dissolved.

Then we had set for the 26th of November a hearing before the trial examiner who was sent down to hear the evidence in our particular case.

This boy who was slugged, Jimmie Bruce, had received a subpoena to appear as a witness on behalf of the company at this hearing that was set before the trial examiner of NLRB, I believe, for November 28. Just 1 week before that is when the slugging occurred.

Now he had been served some several, oh, 3 or 4 weeks before that, with this subpoena, as I recall. He was one of the principal witnesses to testify in the company's behalf at this hearing.

Mr. KENNEDY. What happened?

Mr. ANDREWS. About 6 p. m. on the night of November 21 I got a call from one of the other independent contractors advising me that someone had slugged Jimmie Bruce.

Well, I told them to call an ambulance immediately, which they did, and sent him on to the hospital. I believe 6 of the other independent contractors were with him and they saw Shorty Richardson, and Shorty Richardson is connected in some capacity with teamster local 327, I am not sure he is a business agent or steward or what.

Mr. KENNEDY. He is a member.

Mr. ANDREWS. At least a member. The other independent contractors who were with Bruce saw Shorty Richardson and Perry Canaday, business agent for local 327, drive in and around this restaurant where this slugging took place. Then they came from behind the restaurant and got the fellow who actually did the slugging and carried him away in their automobile.

Of course we immediately swore out warrants for and had arrested Shorty Richardson and Cannady.

Mr. KENNEDY. What happened to Bruce?

Mr. ANDREWS. Bruce remained in the hospital in a very critical state, unconscious actually for approximately 10 days.

Mr. KENNEDY. He was unconscious for 10 days?

Mr. ANDREWS. Yes.

Mr. KENNEDY. He had a fractured skull, did he?

Mr. ANDREWS. He had two fractures. He had a fracture on this side. He was hit on the left side and his jaw was fractured on the right side.

Mr. KENNEDY. Is he still somewhat incapacitated?

Mr. ANDREWS. Yes, sir; he is. It is my understanding that he is quite incapacitated. As a matter of fact, he never has returned to his job of driving his own truck for our company.

Mr. KENNEDY. That is some 2 years later?

Mr. ANDREWS. That's right.

Mr. KENNEDY. He still cannot work, himself; is that right?

Mr. ANDREWS. No, sir.

Mr. KENNEDY. His wife is working?

Mr. ANDREWS. His wife is employed I understand and is the principal means of income.

Mr. KENNEDY. You paid his expenses in the hospital; did you?

Mr. ANDREWS. Yes, sir.

Mr. KENNEDY. But he has no other source of income other than his wife's work at the present time.

Mr. ANDREWS. That is all, to my knowledge.

Mr. KENNEDY. Now, Mr. Chairman, we have all these acts starting with December 9 and going through this period of time. I don't know whether you would want them read into the record, there are about three pages.

The CHAIRMAN. Do you have a copy of them to present to the witness so that he might examine them and testify to them and then they will be properly authenticated for the record.

Mr. KENNEDY. I think it might be well if he could follow them. Maybe Mr. McShane can read them.

The CHAIRMAN. I am going to have Mr. McShane, member of the staff, and who has been sworn to testify at this series of hearings, read these several incidents of violence to which you have referred and let you verify each one according to your knowledge as he reads them.

I am doing it that way to shorten the testimony, and if there is anything, any error in what he reads, according to your knowledge, you so state.

Mr. ANDREWS. Mr. Chairman, do you want me to stop him each time and verify each one, or shall he go ahead and proceed?

The CHAIRMAN. After he has read each one you can say whether it is correct or make a modification or correction of it as to what you think is proper, under oath.

You may proceed, Mr. McShane.

Mr. McSHANE. December 9, 1954: Sirup was poured into the engines of 4 B. & S. trucks in the Nashville terminal; also, 6 tires were slashed on B. & S. trucks on this date.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 2. December 9, 1954: Sirup was poured into the engines of 3 trucks in the B. & S. terminal in Memphis, Tenn.; also, 4 tires were slashed on B. & S. trucks in Memphis on this date. The estimated damage for both incidents on this date was \$3,500.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 3. January 29, 1955: A truck driven by W. E. Richardson of Charlotte, N. C., the property of McMillan Oil Company of Charlotte, N. C., while in the Nashville B. & S. terminal, had sirup and abrasives put into its engine. Estimated damage, approximately \$1,000.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 4. March 31, 1955: Three strangers called on W. E. Richardson at his home in Charlotte, N. C., and attacked him with a knife, because he had given an affidavit in connection with the sirupping of his truck in Nashville on January 29. Richardson supplied Andrews an affidavit to support this statement.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 5. April 1, 1955: Someone hurled a rock from a speeding car through the windshield of Jimmy Bruce's truck. Bruce at the time was an independent contractor for the B. & S. Lines. This incident occurred approximately 5 miles east of Knoxville.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 6. May 21, 1955: At a point 25 miles east of Memphis, someone fired 5 shots at a B. & S. tractor pulling a Mundy trailer. Drivers on the unit at the time were John Fultz and Joe Hobbs. Both were operating for Davis Robertson, owner of the

tractor. Four of the shots apparently missed, but one bullet went through the trailer.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 7. June 2, 1955: Someone in the group of pickets in front of B. & S. terminal in Nashville stoned the home of George McConnell, while he was attempting to repair a television aerial on his house. Mr. McConnell at the time was a mechanic for B. & S. Motor Lines.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 8. June 12, 1955: At approximately 10:30 p. m., 15 miles east of Knoxville, a shot was fired from an automobile into the windshield of J. R. Walker's truck which, at the time, was under contract with B. & S. Motor Lines. The bullet hit the steering wheel and deflected to the floor, probably saving the life of Tom Copeland, the driver.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 9. June 12, 1955: At approximately 11 p. m., and 20 miles east of Knoxville, 2 shots were fired at Davis Robertson's truck which, at that time, was under contract with B. & S. Motor Lines. One of the bullets punctured one of the tires on the trailer.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 10. June 16, 1955: At approximately 8:30 p. m., on U. S. 70, near Donelson, Tenn., a person believed to be Ray Proctor, one of the pickets, hurled a stone at James Peterson's truck, which ricocheted off the rear view mirror to the cab of the truck behind the head of the driver.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 11. June 17, 1955: Joe Franklin along with a group of other pickets, followed Carl Childress, an independent contractor for B. & S. Motor Lines, from the picket line to the junction of Highway 70. They stopped him and tried to get him out of his truck in order to assault him.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 12. June 18, 1955: At approximately 10 p. m., a car made two trips by the picket line and on each trip a shotgun blast was fired into the doors of the B. & S. Motor Lines terminal in Nashville.

Mr. ANDREWS. That is correct.

Mr. McSHANE. 13. June 23, 1955: A. P. McKinney and Lloyd Barrett, while in their truck, were fired on near the North Carolina-Tennessee line on Highway 70, just on the North Carolina side.

Mr. ANDREWS. That is correct.

Mr. McSHANE. June 29, 1955: At approximately 4:30 a. m., between Nashville and Bellemeade, on Highway 70, someone in a blue Mercury automobile fired on a truck driven by Paul Welch, who was at the time under contract to the B. & S. Motor Lines.

Mr. ANDREWS. That is correct.

Mr. McSHANE. July 2, 1955: At 2 p. m., from a vacant lot inside the city limits of Nashville, 2 shots were fired at operators Harold Seymour and Larry Beaver.

July 2, 1955: A. A. Mullis and a person by the name of Childers, both of whom were pickets at Charlotte, N. C., stopped one of the company's trucks at the B. & S. terminal in Charlotte and pulled a colored boy, who was a helper on the truck, from the automobile and

stoned him as he made his getaway. At least one stone found its mark on the colored boy's head. Mullis then proceeded to break the air line from the trailer to the tractor, which tied up the unit in the street. Police were called and three guns were found on the picket line.

The CHAIRMAN. You said three guns were found. Do you mean shotguns or what?

Mr. ANDREWS. Pistols and shotguns together.

Mr. McSHANE. July 8, 1955: At 2 a. m., approximately 4 miles east of Minnville, Tenn., Ted Barnett was fired upon from a blue Mercury automobile.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 18. July 8, 1955. At 11:50 p. m. on the truck route through Knoxville, Tenn., someone hurled a heavy object, believed to be a 10- or 20-pound rock, from a light blue Cadillac automobile meeting Kenneth Puckett's truck at a very high rate of speed. The object missed the windshield of this truck by a few inches, crashed into the left front side of the trailer, knocking a hole in the trailer and denting a place on the left front of the trailer approximately 10 inches square.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 19. July 9, 1955. Someone disengaged the trailer connection between the tractor and the trailer on one of the B. & S. units while it was being loaded at the Cold Storage Co., in Nashville, causing the tractor to drop the trailer, inflicting considerable damage and placing lives of innocent people in jeopardy.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 20. July 9, 1955. Shots were fired from a picket line at the Nashville terminal. Nathan Long, the company's rate clerk for B. & S., left the office, went out to investigate, and observed Kelvey Howell, one of the pickets, aiming a gun in the direction of the terminal.

Mr. ANDREWS. That is correct.

The CHAIRMAN. Did they ever do anything to these folks for carrying guns there and shooting on the picket line?

Mr. ANDREWS. No, sir.

The CHAIRMAN. Even though they were identified?

Mr. ANDREWS. That is right.

The CHAIRMAN. The local figures never took any action?

Mr. ANDREWS. No, sir; they never did.

The CHAIRMAN. Were these things reported to the local officials?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. And no grand jury ever indicted them?

Mr. ANDREWS. No, sir.

The CHAIRMAN. No arrests were made?

Mr. ANDREWS. No, sir; except for this one instance, in the slugging instance.

The CHAIRMAN. On one instance in all of these was an arrest made so far as you know?

Mr. ANDREWS. That is right.

The CHAIRMAN. All right, proceed.

Mr. McSHANE. No. 21. July 10, 1955, on Highway 70, just west of Lebanon, Tenn., a shotgun blast was fired into the left door of A. B. McKinney's tractor, blowing away part of his elbow. This man was hospitalized for several weeks thereafter.

Mr. ANDREWS. That is right, with the exception of the initials. It is "A. D.," not "A. B."

Mr. McSHANE. No. 22. July 16, 1955. Raymond Peterson's truck was fired on at approximately 9 p. m., approximately 20 miles east of McMinnville, Tenn.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 23. July 23, 1955. A bomb was thrown into the B. & S. terminal lot at Charlotte, N. C., which came to rest and exploded between 2 automobiles, inflicting considerable damage on the 2 cars. No personal injuries were sustained.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 24. August 15, 1955. V. H. Williams' truck was fired upon from an automobile parked in a side road 5 miles east of Collierville, Tenn. Several bullets punctured his left front tire and fender skirt just above the running board.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 25. August 19, 1955. On Highway 70, approximately 5 miles west of Rockwood, Tenn., someone fired on Davis Robertson's truck with a high-powered rifle from a car parked in a side road. A bullet penetrated a right front fender which was very heavy metal material and then went all the way through the right front tire.

Mr. ANDREWS. That is right.

Mr. McSHANE. No. 26. August 31, 1955. William Sherill, a colored delivery boy for the Safety Service Co. in Nashville, was run off by pickets with a shotgun, when he approached the terminal to make a delivery.

Mr. ANDREWS. That is right.

Mr. McSHANE. No. 27. September 17, 1955. A two-tone green Pontiac followed James Morris from the picket line out to Elm Hill Road and fired two shotgun blasts into his truck. One blast hit his left front fender and smashed the direction signal. The other blast hit the rear view mirror and came inside the cab behind the driver's head. Morris supplied an affidavit to Andrews supporting this statement.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 28. September 22, 1955. At 3 a. m., at a point approximately 5 miles east of Nashville, on Highway 70, a shotgun blast was fired at William Sawyer's truck. The blast went just in front of the windshield and hit the rear-view window on the right side of the truck. Particles of the burning powder burned the face of the driver and his helper.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 29. September 24, 1955. A bomb was placed on the left rear tires of B. & S. trailer No. 18 and exploded while the trailer was parked on the McKenzie Pajama Co. plant at McKenzie, Tenn. Damages to the unit and freight were approximately \$2,500.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 30. September 25, 1955. At 2 a. m. approximately 3 miles west of Monterey, Tenn., on U. S. Highway 70, three shots in rapid succession were fired on Fred Baker and the truck he was driving, which was owned by Heaton Brothers of Roane Mountain, Tenn., who had a contract with B. & S. Motor Lines at the time. None of the shots hit the driver of the truck.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 31. September 26, 1955. Harold Seymore and his truck were fired on at 12:30 a. m., at a point between Crossville and Rockwood, Tenn., on United States Highway 70. Fortunately the blast missed the driver and the truck by barely going over the top of the cab and a few inches above the driver's head.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 32. October 21, 1955. At 2:30 a. m. on Highway 70, 2 miles west of Livingston, Tenn., Raymond Peterson was fired upon, apparently from an automatic shotgun. Three shots of rapid succession struck the left front part of the cab of the truck. No personal injury was sustained.

Mr. ANDREWS. That is correct, with the exception of the town being "Lebanon" instead of "Livingston."

The CHAIRMAN. Lebanon?

Mr. ANDREWS. Yes, sir.

Mr. McSHANE. No. 33. October 27, 1955. At 9:30 p. m. three shots were fired from an old model Hudson automobile as it passed the front of the B. & S. terminal in Charlotte, N. C.

Mr. ANDREWS. That is correct.

Mr. McSHANE. No. 34. November 21, 1955. At approximately 6 p. m. James T. Bruce was slugged by an unknown assailant as he was leaving Martin's Restaurant on Murfreesboro Road, in Nashville, Tenn., where he and several other B. & S. contractors had just completed their dinner.

The CHAIRMAN. Is that the slugging that you secured a conviction for?

Mr. ANDREWS. Yes, sir. Of course the status of the case presently is that it is under appeal. They have appealed the lower court's indictment to the State supreme court.

The CHAIRMAN. I understand from you, from this statement, that the man who actually did the slugging has not been identified.

Mr. ANDREWS. He has not been.

The CHAIRMAN. So the two who are convicted are for accessories, are they?

Mr. ANDREWS. Conspiracy.

The CHAIRMAN. All right; proceed.

Mr. McSHANE. Perry Canaday and Shorty Richardson of local 327 in Nashville were convicted of conspiracy in February 1957, in connection with this crime.

Mr. KENNEDY. I think we have had testimony on all this. That is it as far as we have it. Do you have something to supplement that?

Mr. ANDREWS. No, sir; that is all.

The CHAIRMAN. Let me ask you what has happened. These independent contractors have been organized?

Mr. ANDREWS. No, sir; not these, to my knowledge. They have never been organized.

The CHAIRMAN. How many were actually involved that they were trying to organize when all this violence was being committed?

Mr. ANDREWS. About 50 men.

The CHAIRMAN. There had been about 50 of those independent contractors?

Mr. ANDREWS. Well, the independent contractors plus their employees.

The CHAIRMAN. Plus the employees?

Mr. ANDREWS. Yes.

The CHAIRMAN. In other words, there were about 50 people that they were trying to organize.

Mr. ANDREWS. That is right, sir.

The CHAIRMAN. Some or all of this violence at least was committed during the period of time covered here from the first incident read to you by Mr. McShane down to the last incident of the slugging?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. Yet they have not succeeded in organizing them?

Mr. ANDREWS. No, sir.

The CHAIRMAN. Those people down there are made of pretty strong stuff, aren't they, to resist all this?

Mr. ANDREWS. Yes, sir. I believe so.

Senator CURTIS. Has the National Labor Relations Board made a ruling as to their status and did they find that they were something other than employees?

Mr. ANDREWS. No, sir; that still stands. You mean other than independent contractors?

Senator CURTIS. Yes. In other words, they found that they were not employees?

Mr. ANDREWS. Yes, sir; that is right, and that ruling still stands.

Senator CURTIS. Now were each and every one of these acts of violence reported to law officers?

Mr. ANDREWS. Yes, sir. There may have been 1 or 2 of the lesser ones that were not reported. Certainly these that you heard about here were reported.

Senator CURTIS. Was there ever any roundup of men who were carrying guns in the picket line or elsewhere?

Mr. ANDREWS. No, sir; not to my knowledge. The guns that were maintained on the picket lines so far as I know were shotguns or something they could say they could legally keep there. We protested of course to the law-enforcement people. They said unless we could prove that they had them out there for some purpose of damaging somebody's property or injuring somebody bodily, they could not do anything about removing them.

Senator CURTIS. But there were shots fired from the picket line; were there not?

Mr. ANDREWS. Yes, sir.

Senator CURTIS. Did they say what other kind of proof they wanted?

Mr. ANDREWS. No, sir; except to say that the fellow could have been shooting at birds or something like that, and they didn't know. They had no proof of what they were shooting at.

Senator CURTIS. Did you have any proof of what they hit?

Mr. ANDREWS. No, sir.

Senator CURTIS. They did hit your terminal in one instance?

Mr. ANDREWS. That shot came from an automobile passing by. Those two shots came from an automobile passing by where the picket line was. As a matter of fact there never was what I consider a picket line. What they did was come out there and pitch a tent, a group of

them cowered under that, and apparently used it as a base of operations to follow these trucks out on the highway.

Senator CURTIS. Is it legal to hunt birds there at that plant?

Mr. ANDREWS. Well, sir, I don't know. I can't answer that one.

Senator CURTIS. Are there any birds there to shoot at?

Mr. ANDREWS. No, sir; unless it would be sparrows or something like that.

Senator CURTIS. Sparrows?

Mr. ANDREWS. Yes, sir.

Senator CURTIS. Did any newspaper take this matter up, and present the facts to the public?

Mr. ANDREWS. Yes, sir; the Banner and the Nashville Tennessean both ran extensive stories on the matter, and in fact at one point, at least, I believe they listed the acts of violence in chronological order about as we have listed them here, or at least most of them.

Senator CURTIS. My sympathies are certainly with the people who suffered from these acts of violence. Of course, until this committee completes its work, it cannot be ascertained just what legislation would be suggested. But it seems to me it is going to be impossible for the Government of the United States to provide a police force for every county and every city and every locality. I hope out of this investigation here, the good people of these communities involved will be aroused. I am satisfied they are in the majority, and certainly they can elect some officers who will maintain law and order. I hope that can be done.

Mr. KENNEDY. What is your opinion as to the amount of law enforcement that existed as far as the violence that occurred against you and your employees and your company was concerned? Were you satisfied or dissatisfied?

Mr. ANDREWS. Well, sir, of course, I was not satisfied. I would not have been satisfied with anything short of a very vigorous investigation resulting in conviction of each person responsible for each incident.

Mr. KENNEDY. Did you find a vigorous investigation?

Mr. ANDREWS. Not in all cases; no, sir.

Mr. KENNEDY. Did you find it in a majority of the cases?

Mr. ANDREWS. No, sir; I would say in the very minority of the cases was there vigorous investigation. I can only testify to those that I helped do the investigating.

Mr. KENNEDY. Were you involved or did you try to do some of the investigative work yourself?

Mr. ANDREWS. I did do some of it, along with some of the law-enforcement officers.

Mr. KENNEDY. Where there was some shootings, two shootings that occurred, did you investigate that, on June 12, I believe?

Mr. ANDREWS. Yes, sir, I did. I investigated, or at least made part of the investigation along with Officer Reynolds of the Tennessee Bureau of Identification.

Mr. KENNEDY. Did Officer Reynolds express to you any feeling about investigating a matter in which a labor union was involved, or a labor dispute?

Mr. ANDREWS. I believe Mr. Reynolds did remark to me at one point that he felt more comfortable with someone with him on the investigation.

Mr. KENNEDY. Did he say anything else in connection with it?

Mr. ANDREWS. I believe that is about the extent of it, sir.

The CHAIRMAN. You shared that comfort, did you not, whether you were with him or someone else?

Mr. ANDREWS. I believe we were mutually with that feeling, sir.

Mr. KENNEDY. Did he say there was any difficulty in proceeding in cases such as this?

Mr. ANDREWS. I don't recall him making that statement. We discussed the matter. At various times the matter of difficulty in investigating acts arising from labor violence was discussed. Actually I don't know what Mr. Reynolds' feelings were in the matter, but I have felt personally that in the case of some law-enforcement officials they were a little bit hesitant to really go all out and investigate vigorously these incidents arising from labor trouble and violence from labor trouble.

Mr. KENNEDY. What would you say were the losses to you and your company in connection with this problem that you had with the teamsters union that you have discussed with us today?

Mr. ANDREWS. We have arrived at what we consider a fair estimate on that, and that is \$110,000.

Mr. KENNEDY. Do you have that broken down at all?

Mr. ANDREWS. No, sir; not in detail.

Mr. KENNEDY. That is loss or damage to your property, and loss of business?

Mr. ANDREWS. Damage to our property, and loss of anticipated profits. In other words, it is comparing the period that the labor trouble went on with the immediate similar period, immediate past similar period. That would indicate that our business would have been at about that level, and that being the case, we would have anticipated profits of so much. We gaged that part of the damage on that basis, and not on loss of gross revenue, mind you, but on the loss of difficulty. That loss of profits was brought about by the damage to our property, by the invoking of the "hot cargo" clauses on our connecting carriers, which cut off the biggest source of our business, you see.

Mr. KENNEDY. What would be the gross business that you feel that you have lost during this period?

Mr. ANDREWS. We were doing immediately prior to the labor trouble, a gross business of approximately \$115,000 or \$120,000 a month. Immediately after the invoking of the "hot cargo" clause and all of the other trouble, our business dropped to about \$75,000 a month, gross.

Mr. KENNEDY. That is about \$40,000 each month?

Mr. ANDREWS. That's right.

Mr. KENNEDY. Of gross business that you lost during this period of time?

Mr. ANDREWS. That's correct.

Mr. KENNEDY. And that lasted for over 10 months, did it not, or about 12 months?

Mr. ANDREWS. Approximately that; yes, sir.

Mr. KENNEDY. So that would be over \$400,000.

Mr. ANDREWS. In gross business; yes, sir.

Mr. KENNEDY. Between \$400,000 and \$500,000; is that right?

Mr. ANDREWS. Yes, sir.

Mr. KENNEDY. I think that is all.

Perhaps there is one more thing. There was one man mentioned that was shot, and you had an independent contractor that was shot, is that right, who was actually hit?

Mr. ANDREWS. That was A. D. McKinney.

Mr. KENNEDY. He was working for you at the time?

Mr. ANDREWS. Under a contract.

Mr. KENNEDY. As an independent contractor?

Mr. ANDREWS. Yes, sir.

Mr. KENNEDY. That is all.

The CHAIRMAN. What is his condition? Did he recover?

Mr. ANDREWS. Not completely, sir. He has what I believe to be permanent injuries as a result of it.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. I want to call Mr. Duffy briefly. Mr. Andrews has testified as to the injunction that was put on the union and the activities of the union during this period of time and Mr. Duffy has made an examination of the records of the teamsters union to determine what their attitude was toward that injunction, and I would like to have him tell the results of that.

The CHAIRMAN. You will remain under your oath, Mr. Duffy, and proceed with your testimony as to the investigation you made and the examination of the records of the teamsters union and the local and whatever they reflect.

TESTIMONY OF LaVERN J. DUFFY—Resumed

Mr. DUFFY. I have examined the minute book of teamster local 327 in Nashville, Tenn., and I made a photostatic copy of the minutes of October 16, 1955, when a special meeting was called. I would like to read one excerpt from those minutes.

The CHAIRMAN. The entire minutes may be made an exhibit for reference, exhibit No. 4, and you may read excerpts therefrom.

(Document referred to was marked "Exhibit No. 4" for reference and may be found in the files of the select committee.)

Mr. DUFFY. "Brother King, teamster business agent out of Nashville, stated B. & S. finally got an injunction but we were going to ignore because we had already put up new signs and had their freight cut off in Memphis."

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. McKinney.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McKINNEY. I do, sir.

TESTIMONY OF A. D. McKINNEY

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. McKINNEY. My name is A. D. McKinney, and I am a resident

of South Carolina, and I am an independent lease operator for Thurston Motor Lines.

The CHAIRMAN. You waive counsel, do you, Mr. McKinney?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. I can explain to you that you have the right to have an attorney present to advise you while you testify, as to your legal rights, if you desire. Do you waive counsel?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. Thank you very much.

All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Your name is spelled M-c-K-i-n-n-e-y; is that right?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. And your first name is what?

Mr. McKINNEY. A. D. McKinney.

Mr. KENNEDY. You were driving a truck for the B. & S. Motor Lines?

Mr. McKINNEY. No, sir; I had a truck leased to B. & S.

Mr. KENNEDY. You were an independent contractor doing work for them?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. During this period of time, 1954 and 1955, there were attempts by the teamsters union to organize you; is that right?

Mr. McKINNEY. No, sir.

Mr. KENNEDY. There were not?

Mr. McKINNEY. No, sir.

Mr. KENNEDY. Weren't the teamsters attempting to organize that company?

Mr. McKINNEY. Well, they were attempting to organize it, but they never did approach me.

Mr. KENNEDY. But they were attempting to organize the company, and that would have included the independent contractors, although you yourself were not approached; is that right?

Mr. McKINNEY. That's right.

Mr. KENNEDY. Now, on June 23, 1955, while you were driving a truck, were you fired upon?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. And where was that? Where did that occur?

Mr. McKINNEY. That occurred between Hot Springs, N. C., and Marshall, N. C.

Mr. KENNEDY. And it was on the North Carolina side?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. You were in North Carolina?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. Could you tell us what occurred?

Mr. McKINNEY. An automobile met us on a curve and fired.

Mr. KENNEDY. It did what?

Mr. McKINNEY. An automobile met us on a curve and fired upon us and never stopped, and it just kept on going.

Mr. KENNEDY. It was coming from the opposite direction?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. As you were going around a corner they fired?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. Did any of the bullets hit the truck?

Mr. McKINNEY. Not that we could tell; no.

Mr. KENNEDY. Did anything occur after that? Could you identify them?

Mr. McKINNEY. I couldn't identify the automobile.

Mr. KENNEDY. But you reported it to your employer or to Mr. Andrews?

Mr. McKINNEY. I was en route to Charlotte, N. C., and as soon as I got in I reported it.

Mr. KENNEDY. Then did something occur on July 10, 1955, near Lebanon, Tenn.?

Mr. McKINNEY. I was fired upon approximately 2 or 3 miles west of Lebanon, and a car was meeting me that time.

Mr. KENNEDY. Could you identify that at all?

Mr. McKINNEY. No, sir.

Mr. KENNEDY. Did the shot hit the truck or hit your car?

Mr. McKINNEY. I never did get a chance to find out.

Mr. KENNEDY. Did anything else occur that evening?

Mr. McKINNEY. Yes, sir; in approximaately 10 more miles

Mr. KENNEDY. During this period of time were you frightened about driving your truck?

Mr. McKINNEY. No, sir; not too much.

Mr. KENNEDY. Even though you had been shot at twice already?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. It didn't frighten you?

Mr. McKINNEY. No; not too much.

The CHAIRMAN. Why? Because you thought—

Mr. McKINNEY. Because I didn't think they would shoot intentionally to kill, and I thought they were just shooting at tires and stuff like that, and that is why I wasn't frightened too much.

The CHAIRMAN. You didn't think that they were actually shooting to hit you?

Mr. McKINNEY. Not to kill me or to hit anybody.

The CHAIRMAN. Did you learn differently?

Mr. McKINNEY. Yes, sir; about 10 more miles I learned differently.

The CHAIRMAN. What happened then?

Mr. McKINNEY. Ten more miles, an automobile going the same direction I was going pulled up alongside of my tractor, and apparently the blast came from the back seat of the automobile and it was a shot-gun blast; and so, by the way the flare was, they must have fired both barrels, because it just blinded me for a few minutes.

The CHAIRMAN. Were they shooting just at the truck or the tires at that time?

Mr. McKINNEY. No, sir. The shot hit me in the left arm, and the left side of the truck.

The CHAIRMAN. And your elbow in here?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. Is that where it hit you?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. Could it have killed you?

Mr. McKINNEY. Yes, sir, if it had been raised or if the barrel had been raised another inch he would probably have killed me.

The CHAIRMAN. But you having your elbow out there, it saved your life?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. And having it that much lower saved your life; is that right?

Mr. McKINNEY. Well, and having the barrel that much lower, I would say, it saved me.

Mr. KENNEDY. What happened after that? What did you do?

Mr. McKINNEY. Well, at that time, I kind of turned loose of the steering wheel, and I like to run off the left-hand side of the road, and I pulled the tractor-trailer back into the road and an automobile slowed down in front of me.

Mr. KENNEDY. The same automobile?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. And you thought they might shoot at you again?

Mr. McKINNEY. Yes, sir, I thought they were going to shoot again.

Mr. KENNEDY. Did they shoot again?

Mr. McKINNEY. No, sir.

Mr. KENNEDY. Did you keep driving your truck in, then?

Mr. McKINNEY. Yes, sir; and I drove the truck to Donaldson which was about 10 miles.

Mr. KENNEDY. What happened there?

Mr. McKINNEY. The police in Donaldson stopped me because I was weaving back and forth across the road and they wanted to know what was wrong with me and I told them I had been shot. We parked the truck and he took me to the hospital in his automobile.

Mr. KENNEDY. You were taken to a hospital?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. What did the hospital find out? What did they diagnose had happened?

Mr. McKINNEY. They found the bone had been shattered.

Mr. KENNEDY. What was that?

Mr. McKINNEY. The bone had been shattered.

Mr. KENNEDY. The bone in your elbow had been shattered?

Mr. McKINNEY. Yes, sir, and they wanted to wait awhile until all, and it was messed up full of shot and they wanted to wait for about a week until it cleared up before they could operate on it, and during that time I went to the terminal and I was operated on there.

Mr. KENNEDY. Do you have any injuries or any effect from the wound, the shotgun wound?

Mr. McKINNEY. Yes, sir, the shotgun tore all of the nerve system up in my left arm, and left my two fingers numb.

Mr. KENNEDY. You can still drive a truck, however.

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. Does it give you any pain at the present time?

Mr. McKINNEY. Yes, sir, it does.

Mr. KENNEDY. So you still feel it and you have lost the feeling in two of your fingers?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. Have you ever joined a union yet?

Mr. McKINNEY. No, sir.

The CHAIRMAN. You don't like that kind of life?

Mr. McKINNEY. No, sir.

Senator CURTIS. Was anyone ever arrested for this?

Mr. McKINNEY. No, sir, not that I know of.

Senator CURTIS. Was an investigation made?

Mr. McKINNEY. Yes, sir.

Senator CURTIS. Was anyone ever picked up or questioned?

Mr. McKINNEY. Not that I know of.

The CHAIRMAN. Had the car from which the shot came preceded you up the highway? In other words, did you drive along behind it and did you follow it?

Mr. McKINNEY. No, sir. In fact, the automobile which I was shot from apparently had come up and approached me from the back pretty fast, and in fact I didn't even know it was back there until it was up alongside of me.

The CHAIRMAN. What I am talking about is you said you swerved and nearly went off the highway to the left and you pulled the car back on the road, and this car slowed down in front of you.

Mr. McKINNEY. Yes, sir, and the automobile when he shot, he kept on going up in front of me.

The CHAIRMAN. He was in front of you, but he slowed down and you were apprehensive that he might shoot again?

Mr. McKINNEY. Yes, sir, because I have a truck, and it has the whole front of it—

The CHAIRMAN. And he got in front of you?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. Did you follow him? You drove on in, and did you observe the car and could you follow it?

Mr. McKINNEY. Well, no, sir, I started pulling on up toward where he was and when I got up pretty close to him, he pulled on away fast and he left and I never saw him again.

The CHAIRMAN. He did proceed ahead of you?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. And you drove about 10 miles and a policeman stopped you?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. Do you think the policeman had any information that you had been shot?

Mr. McKINNEY. That I couldn't answer.

The CHAIRMAN. He observed that you were not driving properly?

Mr. McKINNEY. Yes, sir.

The CHAIRMAN. And something was wrong with your driving and therefore he stopped you?

Mr. McKINNEY. That's right.

The CHAIRMAN. Do you know whether that policeman ever made any inquiry to check on what car had passed ahead of you?

Mr. McKINNEY. No, sir, I don't know.

The CHAIRMAN. Did he ever take any interest in the case and come back and try to talk to you about it?

Mr. McKINNEY. The sheriff of Lebanon came up there and asked me if I knew what kind of an automobile it was, and who shot me, and that, as far as I know, is all.

The CHAIRMAN. Did they ever contact you any more after that?

Mr. McKINNEY. No, sir.

The CHAIRMAN. Did you ever hear any more about an investigation of it after that?

Mr. McKINNEY. No, sir, I never did.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. You might just show us the place where you were shot. Could you roll up your sleeve there?

Mr. McKINNEY. Yes, sir.

(The witness uncovered his arm.)

The CHAIRMAN. The photographers may make pictures of it, and a picture of the injuries may be made exhibit No. 5.

(Photograph referred to will be marked "Exhibit No. 5" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Did you give up driving a truck after that?

Mr. McKINNEY. No, sir.

Mr. KENNEDY. Were you frightened then?

Mr. McKINNEY. No, sir; I was more alert, though.

Mr. KENNEDY. Did you start carrying a gun yourself then?

Mr. McKINNEY. Yes, sir.

Mr. KENNEDY. But you never had to use it; is that right?

Mr. McKINNEY. No, sir, I never did get a chance to use it.

The CHAIRMAN. You never got a chance?

Mr. McKINNEY. No.

The CHAIRMAN. Is there anything further?

I notice the time. Counsel advises the Chair that it is time we could properly recess, and so we will stand in recess until 10 o'clock in the morning.

(Thereupon, at 4:40 p. m., the select committee recessed, to reconvene at 10 a. m., Friday, December 6, 1957.)

(Members of the select committee present: Senators McClellan and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

FRIDAY, DECEMBER 6, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee reconvened at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; LaVern J. Duffy, investigator; James P. McShane, investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session: Senators McClellan and Curtis.)

The CHAIRMAN. Call the first witness.

Mr. KENNEDY. Mr. John Reynolds.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REYNOLDS. I do.

TESTIMONY OF JOHN T. REYNOLDS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. REYNOLDS. John T. Reynolds, investigator with the Tennessee Bureau of Criminal Identification; I live at 2808 East Fifth Avenue, Knoxville, Tenn.

The CHAIRMAN. How long have you held that position, Mr. Reynolds?

Mr. REYNOLDS. I have been with the bureau since April 1953.

The CHAIRMAN. Do you waive counsel?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Thank you.

Mr. KENNEDY. What investigative experience had you had prior to that time?

Mr. REYNOLDS. I investigated arson for the State fire marshal's office of Tennessee for 14 years.

Mr. KENNEDY. You were an agent for the Tennessee Bureau of Criminal Investigation in 1955?

Mr. REYNOLDS. Yes, sir.

Mr. KENNEDY. And specifically in June of 1955?

Mr. REYNOLDS. Yes, sir.

Mr. KENNEDY. Were you instructed to investigate 2 shootings that took place on June 12, 1955?

Mr. REYNOLDS. I was.

Mr. KENNEDY. And they were shootings that occurred in connection with the B. & S. Trucking Co.; is that right?

Mr. REYNOLDS. That is correct.

Mr. KENNEDY. Now, Mr. Chairman, we had a witness who testified yesterday regarding the acts of violence against his company, the B. & S. Trucking Co.; and we are going today, this morning, with this first witness into 2 of the shootings that took place on the night of June 12, I believe, 1955.

Mr. REYNOLDS. That is correct.

Mr. KENNEDY. Could you tell us what the facts were and then what you found in your investigation?

Mr. REYNOLDS. I first learned of this through a call to my office and they instructed me to meet Mr. Paul Andrews in Knoxville, who would go over some of the facts of the case. I did this, and on Tuesday morning I started an investigation. That was the 14th.

Mr. KENNEDY. That was on June 14?

Mr. REYNOLDS. That is right.

Mr. KENNEDY. Now, the shootings, as I understand it, one had taken place at 11:15 on the night of June 12, approximately, and one at 11:45; is that right?

Mr. REYNOLDS. That is correct, so far as the drivers told me.

Mr. KENNEDY. Where had those shootings taken place?

Mr. REYNOLDS. One of them was just inside of Knox County, before you got to the Sevier County line, on the Ashville Highway, out of Knoxville, between Knoxville and Dandridge. The other one was just about probably 2½ or 3 miles further, in Sevier County.

Mr. KENNEDY. They were not on the same highway?

Mr. REYNOLDS. On the same highway.

Mr. KENNEDY. Highway 70?

Mr. REYNOLDS. Highway 70; yes.

Mr. KENNEDY. Did Mr. Andrews give you information that he thought the one responsible for the shooting had registered at a hotel under an alias?

Mr. REYNOLDS. He gave me information that William Smith had registered in the hotel.

The CHAIRMAN. What is that?

Mr. REYNOLDS. William Arthur Smith, who was business agent for the teamsters, local 327, in Nashville, I believe.

Mr. KENNEDY. He had registered at the Hotel Farragut; is that right?

Mr. REYNOLDS. That is right.

Mr. KENNEDY. So did you check that?

Mr. REYNOLDS. Yes, sir; I first contacted the clerk who was on duty at the time he checked in. He came there about 6:45 on Sunday morning and drove into the garage, according to the attendant there, and he called the clerk and asked if he could get a room. He told him he could and he left without giving him a name; so he asked him his

name. He gave his name as Tommy Jackson. Then the attendant in the garage, he also takes the license number down, which he did, and he put down Tommy Jackson on the ticket.

Mr. KENNEDY. Did he give his address at that time?

Mr. REYNOLDS. He did not.

Mr. KENNEDY. He did not give his address?

Mr. REYNOLDS. No. Then he went up to the desk and the clerk said that he set a pint of liquor on the desk and registered as Tommy Jackson, and put no address whatsoever. It was a lady and she told him she wanted an address on the registration, and he just put down Nashville, Tenn.; that is all he put.

The CHAIRMAN. Did you secure the registration card from the hotel?

Mr. REYNOLDS. I did not myself, but I saw the registration card.

The CHAIRMAN. Would you recognize it if you saw it?

Mr. REYNOLDS. I am not sure, but it seemed like Mr. Andrews has got the card.

The CHAIRMAN. All right.

Mr. REYNOLDS. So I talked also to the garage man that night, that was on duty Sunday night, when this same man, Tommy Jackson, came down to get his car. By reason of no address, they put a c. o. d. before they would let him take the car out. So he had to call up the clerk and get that straightened out, and the garage man said he left in a hurry. This was about between 10:30 and 10:40 Sunday night.

The CHAIRMAN. Sunday night?

Mr. REYNOLDS. Yes, sir, and the reason the attendant said he was certain of that time, was because the night clerk came on duty at 10:30, and he had just come on.

Mr. KENNEDY. Sunday was June 12, was it not?

Mr. REYNOLDS. June 12, that is right.

The driver of the first truck told me that that occurred at 11:15 and this car had passed them and then turned around and passed them going in the same direction, as I understand it, and they turned around and he felt pretty sure it was the same car. Of course, he could not see too well with the bright lights shining on him in the face, and he stated that the car had the bright lights on and therefore he could not see it too good. They shot into the truck, and he did not know the truck had been hit until he had gotten over in North Carolina, wherever he was headed, and he stopped and he found that one of his tires was just worn to threads. One bullet had gone through the inside right rear of the tractor. This tire had a bullet inside of it, which was worn slick with no markings on it whatsoever.

Then the other truck was shot into in the same way, by a car shining its bright lights on him and that shot hit the hood of the car, ricocheted through the windshield right in front of the driver, and hit the steering wheel and dropped to the floor. I have that bullet which has fairly good markings on it. But we have never been able to locate the gun.

Mr. KENNEDY. Were either one of these drivers able to identify the car at all?

Mr. REYNOLDS. No more than to say it looked like it was similar.

Mr. KENNEDY. Similar to what?

Mr. REYNOLDS. Well, the car I am speaking of is the car that Smith used which was a Buick, 1955 red and white Buick.

The CHAIRMAN. Red and white?

Mr. REYNOLDS. I believe that was the color.

Mr. KENNEDY. So the driver who was shot at was able to identify what he thought was a Buick and the colors were red and white, and when you checked Mr. Tommy Jackson's car at this hotel, who in reality was Mr. W. A. Smith, he also had a Buick which was red and white; isn't that right?

Mr. REYNOLDS. That is right. Now, the driver at the time did not say it was red and white, and he said it was a light colored car, and the car of the first truck that was shot at, where this car passed him, he said it was similar to the car that had passed him and it must have turned around and come back.

Mr. KENNEDY. Did you ask him what color it was?

Mr. REYNOLDS. Yes, but he was not definite in it, and he just said a light car.

Mr. KENNEDY. Did either one of them mention that the color of the car was red and white; one of them at least said they thought it was a 1954 or 1955 Buick; did they not?

Mr. REYNOLDS. That is right.

Mr. KENNEDY. And this car that you found registered in the name of Tommy Jackson was a Buick; was it not?

Mr. REYNOLDS. That is right.

Mr. KENNEDY. And didn't one of them give the color of the car?

Mr. REYNOLDS. I will have to look at the data I have. I have statements.

One of them said it was sort of yellow—that was Robertson—Cope-land said it was a light-colored car. That is all I have got in their two statements, Mr. Kennedy.

Mr. KENNEDY. All right. One of the drivers said the shooting occurred around 11:15, and the other around 11:45?

Mr. REYNOLDS. That is right.

Mr. KENNEDY. Did you check any further to find out what the activities of "Mr. Tommy Jackson" or Mr. Smith were?

Mr. REYNOLDS. Of course, I had already found, after I had found out who he was, and I did that definitely by checking his baggage which the police had under lock there at the hotel.

Mr. KENNEDY. By checking his luggage, you found out that "Mr. Tommy Jackson" was in fact W. A. Smith?

Mr. REYNOLDS. That is correct.

Mr. KENNEDY. The business agent from local 327 in Nashville; is that right?

Mr. REYNOLDS. That is right.

Now, the automobile was not registered in his name, and it was registered in the name of Bobby Marstan of Nashville. I checked that through the highway patrol and at the same time I had an agent out of Nashville office try and contact him, but I later contacted him myself.

Mr. KENNEDY. He is the teamster official in Nashville?

Mr. REYNOLDS. Yes; he has some connection with the union.

Mr. KENNEDY. He is a member of the teamsters union?

Mr. REYNOLDS. Yes. He told me at the time that he had loaned the car to William Arthur Smith, and that he had not brought it back yet. So he told what it was, Buick, 1955 Buick, red and white, which

tallied with the one Smith was driving in Knoxville. Now, then, at 11:45, after the last shot was fired, that distance from Maryville, Tenn., in my opinion, is approximately 45 minutes to an hour ride. At 12:45 at Maryville Hospital they admitted William Arthur Smith as a patient, and he had a shot through his left arm that went in up here and came out on the inside here.

Mr. KENNEDY. This is the same man?

Mr. REYNOLDS. That is the same man who left the hotel at 10:30 to 10:40 approximately.

Mr. KENNEDY. And he came to the hospital at 12:45?

Mr. REYNOLDS. That is right; that was an hour exactly after the time that the drivers gave me for the last shooting.

Mr. KENNEDY. And from the spot of the last shooting to the hospital was approximately an hour's drive; is that right?

Mr. REYNOLDS. Approximately.

Mr. KENNEDY. And he had a shot in his arm?

Mr. REYNOLDS. That is right. It had gone all of the way through and there wasn't any shot in it.

Mr. KENNEDY. Did you inquire at the hospital about it?

Mr. REYNOLDS. Yes, sir; and I talked to the doctor who attended him and admitted him.

Mr. KENNEDY. What did they tell you?

Mr. REYNOLDS. They stated that William Arthur Smith, of Nashville, Tenn., was registered in Maryville Hospital at 12:45 a. m., June 13.

Mr. KENNEDY. Did they tell you that he refused to give any information regarding how the wound occurred?

Mr. REYNOLDS. Yes, sir. He wouldn't give them any information, and refused to give any history of former accidents or sickness, which he had had, which was customary in the hospital.

Mr. KENNEDY. He refused to give them any information at all and he would not tell them specifically as to how this gunshot wound had occurred in his arm?

Mr. REYNOLDS. No; other than to say that a friend of his did it accidentally. That, by the way, is what he told me, and he said there wasn't any law against being shot and he wasn't going to tell anything, that a friend of his did it and he didn't want to implicate him in anything.

Mr. KENNEDY. He would not tell you anything further?

Mr. REYNOLDS. He wouldn't even talk about it.

Mr. KENNEDY. He would not talk to you other than to say a friend did it and it was not a crime to be shot by a friend; is that right?

Mr. REYNOLDS. That is all. Here is what I put down as his statement:

William Arthur Smith stated the gunshot wound was accidental and it was not in violation of law to get shot. It was done by a close friend, and he did not want to implicate him or any of his friends and he refused to answer any other questions.

Mr. KENNEDY. What was your theory as to what had occurred, as of this time?

Mr. REYNOLDS. Well, naturally my theory was that he left the hotel just in time to go out and be present at the time that this shooting occurred.

Mr. KENNEDY. It was perfectly obvious he was on that highway, because he went in that area, and he went to that hospital.

Mr. REYNOLDS. Well, that was going in the opposite direction from Knoxville.

Mr. KENNEDY. You can always turn around.

Mr. REYNOLDS. Yes, sir; but it wasn't too far from the hospital.

Mr. KENNEDY. It was not too far from the scene of the shooting; was it?

Mr. REYNOLDS. No, sir; it was, as I said it was, approximately an hour or less drive from where the shooting occurred.

Senator CURTIS. Now, when was Smith interviewed?

Mr. REYNOLDS. He was interviewed on the 15th.

Senator CURTIS. On the 15th?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Whereabouts?

Mr. REYNOLDS. In the hospital.

Senator CURTIS. By whom?

Mr. REYNOLDS. By me.

Senator CURTIS. Who else was present?

Mr. REYNOLDS. I don't believe anyone went with me up there.

Senator CURTIS. Was that the only time he was interviewed?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. And he was a patient in the hospital at the time?

Mr. REYNOLDS. Yes, sir. He was up walking around.

Senator CURTIS. Did any other officer from any other branch of law enforcement interview him at any other time?

Mr. REYNOLDS. I couldn't answer that from my own knowledge. I understand that some of the Knoxville officers or one of them did, probably.

Senator CURTIS. So far as you know, the only interview was in the hospital?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. How long did that last?

Mr. REYNOLDS. A very short time.

Senator CURTIS. He was never picked up and detained and informed that he was being investigated for the shooting of this man?

Mr. REYNOLDS. On approaching him at the hospital, I told him my business, who I was and what I was doing in regard to the investigation.

Senator CURTIS. But he was never picked up and detained and told, "we are investigating," other than what you said at the hospital?

Mr. REYNOLDS. That is right.

Senator CURTIS. Did he fully account for all of his time, his acts and his whereabouts during the hours when this shooting occurred?

Mr. REYNOLDS. He refused to talk.

Senator CURTIS. Was he fingerprinted?

Mr. REYNOLDS. Not at that time. He had been fingerprinted a number of times. The police department had his prints, his pictures, and what not.

The CHAIRMAN. You mean he was a criminal?

Mr. REYNOLDS. Well, that does not necessarily mean that.

The CHAIRMAN. He had a criminal record. He had been fingerprinted when accused of crime. He has a record in Tennessee, I know.

Senator CURTIS. I am too far removed from the scene. I would not want to point a finger of criticism at you or any other individual, but I wonder what it is coming to in this country when individuals are shot at on the highway, officers get a lead, the man is talked to briefly in the hospital, he refuses. Such an individual ought to be in due time picked up, taken to jail, detained, thoroughly investigated, fingerprinted, his alibi checked and determined what it is all about. I do not think there is anything different than investigating any other kind of work. It just consists of dogged, determined work. Particularly this ought to have been done by somebody when the facts that were so self-evident were available, and also when the man refused to talk.

That is all.

The CHAIRMAN. Well, let me see if I understand this. You had a shooting out on the highway. A truckdriver had been shot. You knew that?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Two different truckdrivers had been shot?

Mr. REYNOLDS. Two different truckdrivers had been shot at.

The CHAIRMAN. One of them occurred at 11:15 at night and the other at 11:45, about 30 minutes apart, on the same highway, 2 drivers; is that correct?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. When you started making an investigation you found a man in the hospital by the name of Smith?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Is that correct?

Mr. REYNOLDS. That is right, sir.

The CHAIRMAN. Who had a wound in his arm; is that right?

Mr. REYNOLDS. That is correct.

The CHAIRMAN. Was it just one shot?

Mr. REYNOLDS. Just one.

The CHAIRMAN. Just one shot?

Mr. REYNOLDS. Yes.

The CHAIRMAN. What size was it; do you know?

Mr. REYNOLDS. No, sir. The bullet was not there, of course.

The CHAIRMAN. Well, just one shot in his arm?

Mr. REYNOLDS. That is right.

The CHAIRMAN. You undertook to interrogate him?

Mr. REYNOLDS. Yes.

The CHAIRMAN. Before you undertook to interrogate him, you knew he had been registered in the hotel under an assumed name?

Mr. REYNOLDS. That is right.

The CHAIRMAN. You also knew that he took his car out just about in time, within time where he could have been on the highway at that point at the time of the shooting; is that correct?

Mr. REYNOLDS. That is correct, sir.

The CHAIRMAN. You have that much information. Then you find him in the hospital where he could have driven to within the time he registered and the time of the shooting; is that correct?

Mr. REYNOLDS. That is correct, sir.

The CHAIRMAN. When you got in there to interrogate him he was uncooperative; is that true?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Then you had a bullet that you had gotten out of one of these trucks where the shooting had occurred; is that correct?

Mr. REYNOLDS. That is correct, sir.

The CHAIRMAN. And that bullet had pretty good markings on it; am I correct?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. And this man would give you no explanation of his whereabouts notwithstanding he had been registered under an assumed name, notwithstanding he had taken his car out of the garage at a time that could easily have placed him at the scene of the shooting and notwithstanding he had registered at the hotel at a time which would indicate he had driven from the scene of the shooting to the hospital right after the shooting to have his own wound treated. Notwithstanding that, did you ever pursue or make any effort to find the gun in his possession?

Mr. REYNOLDS. The gun was not in his possession.

The CHAIRMAN. How do you know?

Mr. REYNOLDS. Well, he walked in the hospital——

The CHAIRMAN. He may have walked in the hospital. Still the gun may have been in his car or somewhere else.

Mr. REYNOLDS. That is true. The gun may have been in the car. Whoever his accomplice was took the car and gun and everything, so far as I knew.

The CHAIRMAN. Who were his accomplices you speak of?

Mr. REYNOLDS. I don't know.

The CHAIRMAN. Who was with him?

Mr. REYNOLDS. I don't know.

The CHAIRMAN. He refused to tell you?

Mr. REYNOLDS. He refused to talk at all.

The CHAIRMAN. Did you get a search warrant and search his possessions and his property to try to find the gun at that time?

Mr. REYNOLDS. No, sir, I did not. I really did not have enough to get a search warrant.

The CHAIRMAN. You are looking for a gun. Here is a man that would not tell you anything about the circumstances and all the other circumstances point to the fact that he was the possible one who committed the crime. In other words, you had more information against him than you did against anyone else. Did you not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. And it was fresh information, it was so directly in point of time, location, associated with the crime that that naturally aroused your suspicion with respect to his conduct, did it not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Did you ever try to get a search warrant and pursue the search of his car and his home or his premises or anything else to locate the gun?

Mr. REYNOLDS. We did not locate that car for some time. As I said, it belonged to someone who had loaned it to him, so at the time that that car was delivered——

The CHAIRMAN. What did you do to locate the car?

Mr. REYNOLDS. I put out a pickup on that particular car over the whole State, the highway patrol, the police officers in Nashville.

The CHAIRMAN. Who located the car finally?

Mr. REYNOLDS. It finally showed up at the owner's house.

The CHAIRMAN. Didn't the company, itself, the truck company, itself, locate the car?

Mr. REYNOLDS. Mr. Andrews located it.

The CHAIRMAN. That is right. They located the car when you folks were out searching for it. Is that right?

Mr. REYNOLDS. Well, he located the car. He was in Nashville. I live in Knoxville. That is my section up there.

The CHAIRMAN. I understand, but it took the company representative to find the car. Now, do you know whether he found shotgun shells in it or not when he found it?

Mr. REYNOLDS. No, sir. There were shotgun shells in the suitcase up in his room.

The CHAIRMAN. You even had that further evidence. You had shotgun shells that you found in Smith's luggage in his room, is that correct?

Mr. REYNOLDS. That is right.

The CHAIRMAN. Now, then, why do you say you did not pursue it and get a search warrant?

Mr. REYNOLDS. I just did not think it was effective. It is mighty hard to get a search warrant on an investigation that way. I don't believe I could have gotten one. The fact is the gun was still in the automobile and was taken and done away with by an accomplice, whoever it might be. You know, at least I know as an investigator that there is no man as wise as this Smith is supposed to be, who is going to take that gun home.

The CHAIRMAN. I am not so sure about that. Criminals are often caught because they are not wise; they just think they are.

Mr. REYNOLDS. Especially so because he was in the hospital and the gun was left undoubtedly with the other fellow.

The CHAIRMAN. I understand. Now, you have been asked this question before why you did not get a search warrant.

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. You were asked by members of this staff, is that correct?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. A recording is made of what you said, is that true, with your knowledge?

Mr. REYNOLDS. That is right.

The CHAIRMAN. Did you not answer when first asked about it and I quote exactly:

Well, I don't really know what to say as to why. Well, we more or less keep out of union trouble as much as possible, and I would say it was done, it may have been for political reasons. All we do is take orders.

Did you make that statement?

Mr. REYNOLDS. I made one similar to that.

The CHAIRMAN. Do you want to say similar or this statement now? You know we have a recording of it.

Mr. REYNOLDS. That is right.

The CHAIRMAN. That is the statement you made when you were first asked, is that true?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. This is a question Mr. Duffy asked you :

And the reason you think it was not discussed, the issuance of the search warrant, was because it was a labor dispute? In other situations similar to this you would have had a search warrant?

And did you not answer and say, "More than likely we would have for an individual not connected with labor troubles." Isn't that the answer you gave?

Mr. REYNOLDS. Well——

The CHAIRMAN. Yes or no.

Mr. REYNOLDS. I guess it is, yes, sir.

The CHAIRMAN. All right. You were stating the facts then as you actually knew them and believed them to be, were you not?

Mr. REYNOLDS. I think I was trying to cover up the fact that I didn't get a search warrant.

The CHAIRMAN. I think you were trying to cover up; yes, no doubt about that.

Senator CURTIS. I want to ask something now. How is the division of authority in the State of Tennessee in reference to apprehension and arrest of criminals? You have a local police force within the city. Isn't that correct?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Then every county has a sheriff?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Then you have the highway patrol?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. And you have the Tennessee Bureau of Investigation, is that correct?

Mr. REYNOLDS. That is correct, sir.

Senator CURTIS. Now, this shooting did not occur in the city, did it?

Mr. REYNOLDS. No, it was out in the county.

Senator CURTIS. What jurisdiction generally does the highway patrol have? Are they confined pretty much to matters of traffic?

Mr. REYNOLDS. Mostly matters of traffic, yes, sir.

Senator CURTIS. What is their practice when you do have a crime committed on the highway involving motorists?

Mr. REYNOLDS. I would say they usually report it to the sheriff.

Senator CURTIS. Is it their practice to leave their patrolling duties and follow the investigation for days and weeks wherever it requires them to go?

Mr. REYNOLDS. No, sir, they are not supposed to leave their patrolling duties and follow an investigation.

Senator CURTIS. So in this situation it would narrow down to the responsibility between the sheriff's office and the Tennessee Bureau of Investigation, isn't that correct?

Mr. REYNOLDS. Yes, sir. The sheriff's office. I might say this. The Tennessee Bureau of Investigation only works at the request of the district attorney general.

Senator CURTIS. The district attorney general?

Mr. REYNOLDS. We take all our assignments from the district attorney general.

Senator CURTIS. Who is he?

Mr. REYNOLDS. There is one in each judicial circuit.

Senator CURTIS. What is his name? Who was he in that district at the time of the shooting?

Mr. REYNOLDS. General Clements in Knox County, and General Wilkenbarger in Sevier County.

Senator CURTIS. I am talking about this shooting we have been discussing all morning.

Mr. REYNOLDS. They are the two. One shooting was in Knoxville and one was in Sevier.

Senator CURTIS. Did you ever have any conversation with them about offenses arising out of labor difficulties being handled differently than any other offenses?

Mr. REYNOLDS. No, sir. I have never had any conversation with anybody in regard to that.

Senator CURTIS. That was just your own idea?

Mr. REYNOLDS. I don't know why, to tell you the truth, why I said it, to tell you the truth.

Senator CURTIS. Did the sheriff's office investigate these shootings?

Mr. REYNOLDS. I don't believe they did. I don't know if they did.

Senator CURTIS. Now, this shooting that blew off his elbow was a felony; was it not?

Mr. REYNOLDS. Not if it is done like he said it was done. He said he was accidentally shot by a friend.

Senator CURTIS. Who said that?

Mr. REYNOLDS. Smith said it.

Senator CURTIS. I see. I mean if the complaining witness is to be believed, if he is driving along the highway minding his business and was shot in the manner he testified here yesterday—I withdraw the question about its being a felony.

Mr. KENNEDY. I am finished.

The CHAIRMAN. Senator Curtis is confused about the shooting. These 2 shootings we are talking about at 11:45 and 11:15, the people in the car were not hit.

Mr. REYNOLDS. No, sir.

The CHAIRMAN. But the cars were hit.

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. And even bullets ricocheted off the hood of the car, went through the windshield and dropped in the car, and you got that bullet.

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. So that could not be anything else but assault with an intent to kill.

Mr. REYNOLDS. That is what I would think it would be; yes, sir.

The CHAIRMAN. Unless the shot was accidental; if the shot was intentional, certainly it would be assault with intent to kill.

Mr. REYNOLDS. I would say that is intentional.

The CHAIRMAN. That is a felony; is it not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. What I do not understand about this is that law-enforcement officers won't pursue those things other than the reason that you just take orders and do not ordinarily pursue it where labor is involved. Who gave you those orders not to pursue it? You are a law-enforcement officer.

Mr. REYNOLDS. I never have been given any order not to pursue it.

The CHAIRMAN. What do you refer to here. What are you talking about. You just take orders?

Mr. REYNOLDS. I don't know.

The CHAIRMAN. You said, "I don't really know why. We more or less keep out of union trouble as much as possible. I would say it was done, it may have been for political reasons. All we do is take orders." Who gave you orders not to pursue it?

Mr. REYNOLDS. No one did.

The CHAIRMAN. So you take the whole responsibility, do you, for not pursuing this thing and going after it and trying to find out what actually occurred?

Mr. REYNOLDS. I found out as far as I could other than that search warrant.

The CHAIRMAN. Did you ever have him before the grand jury?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. You ever had him subpoenaed before the grand jury?

Mr. REYNOLDS. These reports—when I make a report, Senator, one copy of that is turned over to the attorney general and it is up to him as to whether there will be a prosecution.

The CHAIRMAN. I understand. Did you ever interview anybody else besides Smith about this matter?

Mr. REYNOLDS. Nobody else than the hotel people, the drivers.

The CHAIRMAN. In other words, you did not pursue it any further.

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Did you ever go to the union and try to get any information there as to what they may have known about it?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Why?

Mr. REYNOLDS. I just didn't. I didn't think it was any use going there.

The CHAIRMAN. You knew it grew out of a labor controversy.

Mr. REYNOLDS. I was sure of that.

The CHAIRMAN. Yet you did not go and check with the union and try to find out what they might know about it, is that correct?

Mr. REYNOLDS. That is correct, sir.

The CHAIRMAN. Why? Because it was organized labor?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. If then it occurred to a businessman and some business representative, some individual, as you referred to in your statement, you would have done that, would you not?

Mr. REYNOLDS. I figured I could not get any information out of the union. I have never been able to.

The CHAIRMAN. And the first thing you figured you did not want to go talk to them, is that correct?

Mr. REYNOLDS. I have talked to them about other things.

The CHAIRMAN. About things that are more pleasant?

Mr. REYNOLDS. No; I have talked to them about cases but I have never been able to get any information that would be of any value.

The CHAIRMAN. Because you failed one time, there is no reason why you should neglect your duty and fail to pursue what is obviously your duty the second time, is it?

Mr. REYNOLDS. No, I didn't think I was——

The CHAIRMAN. Do you not think it was your duty to go into this thing and try to find out who actually did it?

Mr. REYNOLDS. I think so; yes, sir.

The CHAIRMAN. I do, too.

Mr. KENNEDY. That is all, Mr. Reynolds.

The CHAIRMAN. All right, stand aside.

Call the next witness.

Mr. KENNEDY. Mrs. Lola Freels.

The CHAIRMAN. Will you be sworn, please.

You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. FREELS. I do.

TESTIMONY OF MRS. LOLA FREELS

The CHAIRMAN. Be seated, please. State your name.

Mrs. FREELS. My name is Lola Freels. My address is 4521 Tillery Road. My occupation, with the teamsters, bookkeeper and secretary.

The CHAIRMAN. You still have that position?

Mrs. FREELS. No, sir; I was terminated.

The CHAIRMAN. You were terminated?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. All right. You just relax. All we want is to get you to give us any information you may have. You waive counsel, do you?

Mrs. FREELS. I beg your pardon?

The CHAIRMAN. Under the rules of the committee, if you desired you might have an attorney present to counsel you while you testify with respect to your legal rights. Do you waive counsel?

Mrs. FREELS. Yes.

The CHAIRMAN. You do not feel you need a lawyer to tell you what you know; is that right?

Mrs. FREELS. I don't think so.

The CHAIRMAN. All right. If you find at any time you think you do, you so advise the chairman. I do not think you will.

All right, Mr. Kennedy, you may proceed.

Mr. KENNEDY. You were with the Teamsters' Local 821 in Knoxville, Tenn.?

Mrs. FREELS. That is right.

Mr. KENNEDY. You were with them from November 1955 to 1956?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. The president of that local was W. J. Reynolds?

Mrs. FREELS. That is right.

Mr. KENNEDY. The secretary-treasurer was H. L. Payne; is that right?

Mrs. FREELS. That is right.

Mr. KENNEDY. I want to ask you about testimony that we have had that preceded you in connection with the shooting that occurred in June of 1955. Now, you were in the office; you worked in the teamsters' office at Knoxville during that period of time, June 1955?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Did you know a man by the name of W. A. Smith?

Mrs. FREELS. Yes, sir; I knew him as "Hard of Hearing" Smith.

Mr. KENNEDY. "Hard of Hearing" Smith?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Do you know where he was from?

Mrs. FREELS. He was from local 327, Nashville, Tenn.

Mr. KENNEDY. Did you understand that he was a business agent of local 327 in Nashville?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Now, did you hear any conversation or was it ever mentioned to you in the office of the teamsters in Knoxville regarding the shooting that occurred in June of 1955?

Mrs. FREELS. Yes, sir, I heard W. J. Reynolds, the business agent, and Hubert L. Payne, the secretary-treasurer of local 621, discussing the shooting that occurred with the B. & S. Motor Lines.

Mr. KENNEDY. What did Mr. Reynolds say regarding the problem or the trouble he had had in connection with that company?

Mrs. FREELS. He said that he was, he was telling me about the bullet ricochetting through the windshield and he said that it was a good thing that it hit the steering wheel, because it would have hit the driver and killed him. And I know that Hard of Hearing Smith was in town that day because he called into the office, and I took the call from the Farragut Hotel.

Mr. KENNEDY. From the Farragut Hotel?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. And he called your office; is that right?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. He had a conversation with whom?

Mrs. FREELS. He talked to Mr. Reynolds.

Mr. KENNEDY. Did you learn subsequently that they had been together that evening, the evening of June 12?

Mrs. FREELS. Yes, sir. Mr. Reynolds was telling about being with Smithy at that time and he asked me to send some flowers to the hospital, which I did. He also stated that the flowers should be sent to W. A. Smith, Maryville Hospital, and that the only thing on the card should be "From a Friend" so that no one knew that local 621 would be connected with that shooting.

The CHAIRMAN. With what?

Mrs. FREELS. With the shooting.

The CHAIRMAN. So that no one would know that local 327 was connected with that shooting?

Mrs. FREELS. No, sir, local 621.

The CHAIRMAN. 621. So that no one would know that local 621 was connected with the shooting?

Mrs. FREELS. Yes, sir, and I would like to state during this time, we had a gun to leave the safe.

The CHAIRMAN. Had what?

Mrs. FREELS. Had a gun to leave the safe. It was kept in the safe. I don't know if this would be the right gun or not, but they kept a Magnum.

The CHAIRMAN. Kept what?

Mrs. FREELS. A Magnum. That is what they told me that it was. I don't know one gun from the other. But this Magnum left the safe during that time and it was not returned.

The CHAIRMAN. You mean there was a gun that they had kept in the safe?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Mr. Reynolds had kept it there?

Mrs. FREELS. I don't know who it belonged to, but sometimes it would leave by both agents. Maybe one agent would come in and get it, take it out for a while and then maybe another agent would come in and get it.

The CHAIRMAN. During the time it was out, would there be reports of these shootings on the highway?

Mrs. FREELS. Well, now, I didn't know too much about the shootings. All I knew was just the discussion.

The CHAIRMAN. On this occasion that Mr. Smith was there and on the occasion that you were instructed to send him flowers a day or two afterward, on that occasion when he was in town and when he and Mr. Reynolds were together and when you heard these conversations, the gun was out of the safe?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. It was gone; it was never returned after that?

Mrs. FREELS. No; it never came back.

The CHAIRMAN. Did Mr. John T. Reynolds, the crime investigator for the State of Tennessee, ever contact you and try to get the information you had about this matter?

Mrs. FREELS. No, sir.

The CHAIRMAN. Did anyone else ever contact you, any other officer, law-enforcement officers, and try to find out what you knew about it?

Mrs. FREELS. No, sir. Mr. Reynolds made the statement that they talked to the officers and got them to go along with it, I am sorry to say.

The CHAIRMAN. Oh, Mr. Reynolds of the labor union, the local, you heard him say that he had talked to the officers?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. And had gotten them to go along with it?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. What did you understand he meant by that?

Mrs. FREELS. Well, he told this one incident that happened. He said they placed a guard on Hard of Hearing Smitty's door while he was in the Maryville Hospital, and before that he took him to the hospital, and he talked with some law enforcement and asked him to keep it quiet. Then this guard was placed on the door and the day that they got Hard of Hearing Smitty out of the hospital, they asked this guard to turn his back until they could get him out.

The CHAIRMAN. That was a law-enforcement guard?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. They were protecting him?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Do you know who served as that guard?

Mrs. FREELS. No, sir; I don't.

The CHAIRMAN. Do you know what branch of the law-enforcement agencies he represented?

Mrs. FREELS. No, sir. That was the only thing I heard.

The CHAIRMAN. That they had placed a guard there to keep anyone from bothering him?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. That is to keep anyone from interrogating him, I guess.

Mrs. FREELS. That is right.

The CHAIRMAN. When they went to get him, they had the guard turn away as if he did not see him?

Mrs. FREELS. That is right.

The CHAIRMAN. That is the information you got?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Whom did you get that from?

Mrs. FREELS. That was told by Mr. Reynolds. He was discussing that with Mr. Payne pro and con.

The CHAIRMAN. They were discussing it pro and con?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. They had that fixed with law-enforcement officers so nothing would be done about it?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Did he tell you, Mr. Reynolds or Mr. Payne, or Mr. Reynolds specifically, anything about the actual shooting, as to where he had been that night or anything about the B. & S. Trucking Co?

Mrs. FREELS. He did tell me that it was a B. & S. Freight Lines. It seems to me like there is a junction, that they came to a certain junction, but they did not come on into Knoxville and they had to meet the truck there.

Mr. KENNEDY. Did he describe the event or say anything about having trouble with the B. & S. Freight Lines?

Mrs. FREELS. No, sir.

Mr. KENNEDY. He did not say he had trouble with B. & S.?

Mrs. FREELS. No, sir. Then later the conversation was, well, after Hard of Hearing Smitty came back to the office, which was several weeks later, they were discussing the shooting and Smitty said, "Reynolds, I believe you shot me." So they laughed about it.

Mr. KENNEDY. Did Reynolds come into the office on Monday morning, June 13? Do you remember that?

Mrs. FREELS. I don't remember the date.

Mr. KENNEDY. You don't remember if he came in the next day after Smitty was sent to the hospital?

Mrs. FREELS. Yes, sir; he was in the office the next morning early after Smitty had been entered into the hospital.

Mr. KENNEDY. Did he make any comment at that time?

Mrs. FREELS. That is when he asked me to send the flowers.

Mr. KENNEDY. Who paid for the flowers?

Mrs. FREELS. Teamsters' Local 621.

The CHAIRMAN. Did you carry out instructions and send the flowers just in the name of a friend, without sending it in the name of—

Mrs. FREELS. Yes, sir.

The CHAIRMAN. I present to you a photostatic copy of a bill which appears to be a bill for flowers, and ask you if this is a bill for the flowers you sent Hard of Hearing Smitty.

Mrs. FREELS. Yes, sir; this is the bill, but my message was not put on it.

The CHAIRMAN. They did not put the message. Well, the bill is something you received. That is the bill you received for the flowers you sent and the message you put on it.

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Received in the name of the local and it was paid by the local.

Mrs. FREELS. Yes, sir.

The CHAIRMAN. That may be made exhibit No. 6.

(Document referred to was marked "Exhibit No. 6," for reference and will be found in the appendix on p. 7501.)

The CHAIRMAN. All right, you may proceed.

Mr. KENNEDY. I just want to move on to another event you have information on. I want to ask you if anybody in the union who opposed Mr. Reynolds or any of the other individuals was ever taken care of or beaten up. Did that ever occur?

Mrs. FREELS. Regarding members of the local?

Mr. KENNEDY. Yes. Do you know of that ever occurring?

Mrs. FREELS. Yes; I know Eugene Evans was beaten up.

Mr. KENNEDY. Who is Eugene Evans?

Mrs. FREELS. He was an employee of Robinson Freight Lines, a member of local 621.

Mr. KENNEDY. What was the trouble with Eugene Evans, according to Mr. Reynolds?

Mrs. FREELS. He had been out of work for quite some time. I believe he had a case before the board and he didn't hear from the case, he could not get any work out of local 621, and he needed help, I suppose, for his family. So he kept coming to the local asking questions and he would get up in the meetings and ask questions. It seemed that Mr. Payne and Mr. Reynolds sort of got tired of that. So they termed him as an "agitator."

The CHAIRMAN. Termed him what?

Mrs. FREELS. Termed him as an "agitator."

The CHAIRMAN. All he was agitating was to get some work to support his family?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Proceed.

Mrs. FREELS. Mr. Reynolds made the statement that he would have him taken care of. So he called Nashville. I don't know who he talked to but he called Nashville and a day or so later I had a stranger come into the office.

Mr. KENNEDY. He did call Nashville and a stranger appeared at the office at that time?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Counsel, making the presentation to get the record in proper shape, prefers to interrogate you about that aspect of it a little later, so if you will please stand aside, we will recall you at a later time.

Mr. KENNEDY. Mr. Eugene Evans.

The CHAIRMAN. Will you come around, please? Will you please be sworn? Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EVANS. I do.

TESTIMONY OF EUGENE EVANS

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. EVANS. Eugene Evans, 300 A Street, Knoxville, Tenn. At the present time I am a school-bus driver at Mineral City, which is in Lowden County.

The CHAIRMAN. You waive the right to counsel; do you?

Mr. EVANS. I think so; I don't think that I need counsel.

The CHAIRMAN. You do not think you need an attorney?

Mr. EVANS. No.

The CHAIRMAN. What was your former job or position before you started driving the school bus?

Mr. EVANS. Well, immediately before that I was unemployed, except extra. Before that time I had been employed by a company by the name of Robertson Freight Lines, Knoxville, Tenn.

Mr. KENNEDY. You were a member of the teamsters' union; were you?

Mr. EVANS. I was.

Mr. KENNEDY. Were you having any difficulty with Mr. Reynolds of that union?

Mr. EVANS. Yes, sir; I had some, quite a bit; yes, sir.

Mr. KENNEDY. Would you tell us how that originated, and what occurred?

Mr. EVANS. Well, to start the whole thing, what turned him against me, I think, and I am sure was that at the time that I had my first trouble with this Robinson, where I was fired over a strike, he run for agent of this local, and president of the local. I didn't have anything against him personally at the time, but I just was for another officer that was running against him, which he defeated. From that time on, it was pretty rough on me.

Mr. KENNEDY. Then did you have some complaint regarding his handling your charges of unfair labor practices against this company, the Robinson Freight Lines?

Mr. EVANS. As I said, that was the start of it. That is when he was elected. My main part that I had against him, as Mrs. Freels said, I was out of work and I was trying to get a settlement on my case, which I couldn't get. During this time Reynolds and the company, and some agent from Kingsport and Nashville set up a meeting with this company that had employed me. They made an agreement that all unfair labor practices against the company would be dropped by them. I found out about this when they had the meeting. I was supposed to be down there, and they left me out of it.

The CHAIRMAN. They did not let you know about the meeting?

Mr. EVANS. Not until after it had been held, and I found this out myself.

The CHAIRMAN. You had no notice to be present, to present your case or discuss the matter with them?

Mr. EVANS. No.

The CHAIRMAN. All right.

Mr. EVANS. During this time there was proof, I got hold of a statement or something written down on paper, where they had agreed to withdraw the cases, which they did and I found out about this, and Reynolds denied all of this. Of course, I knew he was in on it him-

self, and in fact instigated the whole thing. Up to this time I had gotten along well with all of the agents there at the local, and everywhere else, and I considered them all good friends of mine. I was just anxious to get my job back.

Mr. KENNEDY. Did you start taking an active part in the meetings that were held?

Mr. EVANS. Yes, sir; I had always even before that.

Mr. KENNEDY. Would you start asking a lot of questions?

Mr. EVANS. Yes, sir.

Mr. KENNEDY. And you started asking Mr. Reynolds questions about his administration of the local?

Mr. EVANS. I did.

Mr. KENNEDY. And did that appear to be opposed by Mr. Reynolds?

Mr. EVANS. It did. He just let it be known that he was running the local, and the membership wasn't going to run the local, and he was elected president to run the local and he was going to do it.

Mr. KENNEDY. Was it ever indicated to you that if you kept up your agitation and kept up asking questions, that you would be taken care of?

Mr. EVANS. Well, yes, it had. I figured he would be the one to do it and I wasn't much afraid of him.

Mr. KENNEDY. How was that indicated to you?

Mr. EVANS. By threats, and by him talking and we would get into pretty rough arguments about that. I had no idea of him really carrying out what he did carry out.

Mr. KENNEDY. What did he carry out, and what happened to you?

Mr. EVANS. Sometime back in 1955—

Mr. KENNEDY. Around December 15, 1955?

Mr. EVANS. Along about that time, and at this day I worked at Central Motor Express and I had worked a little later than I had been, and I was just working extra, and I worked when they wanted me and as long as they wanted me.

Mr. KENNEDY. Had you been having difficulty getting other jobs?

Mr. EVANS. Absolutely, and had himself advised some companies not to hire me, as I was a union agitator.

Mr. KENNEDY. You were a union agitator, so you would get a job for a short period of time and he would call up and get you fired?

Mr. EVANS. Yes, sir; and I just couldn't get any work at all, and I knew he was behind it definitely.

The CHAIRMAN. Were you paying your dues to the local?

Mr. EVANS. I was.

The CHAIRMAN. Were you in good standing?

Mr. EVANS. I was at that time.

Mr. KENNEDY. On December 15, you were working for whom?

Mr. EVANS. Central Motor Express of Knoxville, Tenn., and I think that is their home terminal. On that date I worked a little late that night, and I came in and I was tired and I had ridden the bus. I rode one bus uptown and transferred on to another bus. I got off this bus and I went up to my apartment where I was staying and as I got off and went toward the apartment, and got on the porch, a man crossed the street and he hollered at me and he said: "Are you Eugene Evans?" and I said "Yes." He said, "I want to see you. John Brooks sent me up here to see you on the Robinson case." John was a good friend

of mine and he had nothing to do with this attack whatever. But it throwed me off guard. Naturally, I was anxious to hear any news on the case and I just stepped down off the porch and I was going to talk to him when he got in range of me, and pow, he let me have it.

Mr. KENNEDY. He clobbered you then?

Mr. EVANS. Yes.

Mr. KENNEDY. He knocked you down?

Mr. EVANS. Yes, sir; he knocked me down, and he had the first lick.

Mr. KENNEDY. What did he do once you were down?

Mr. EVANS. He was kicking me.

Mr. KENNEDY. Did he kick you in the face?

Mr. EVANS. Yes, sir, and about the ribs. Finally, he got a hold of one foot, and as I said, he knocked me down but it never did knock me out, but it addled me, the first lick. And in other words, I was just helpless, what you might say. A lady ran across the street, and he had me by one foot and she was screaming and said she was going to call the law. I was trying—I seen I was going to have to do something and I was trying to kick him, and by the time she got there, why I reckon he thought she was really somebody that was really going to call the law.

Mr. KENNEDY. Some woman saw you across the street?

Mr. EVANS. Yes, sir, and she was on the same bus I was on.

Mr. KENNEDY. And so she started coming over and saying she was going to call the law?

Mr. EVANS. Yes, sir, and so this man run and when this happened he run down the street, and I got up and he got in a car. The car was running and I saw it was running and somebody else was in the car, and I don't know who. He drove off.

Mr. KENNEDY. He got away?

Mr. EVANS. Yes, sir.

Mr. KENNEDY. Did you report that to the police?

Mr. EVANS. I went, and I will just finish telling the whole thing. So I went up to the house, and my wife was in a family way and I knocked on the door, and I held the door from the outside and I was pretty well beat up. I told her not to open the door, and I said, "I have had a little trouble, and go sit down." And there was a friend of ours there at the time, and I said, "I will wash up." So it scared her, and so I just opened the door and I went on in. I told her what happened, and she said, "Well there was a man here today who wanted to see you." She described him and from her description it was the same man that attacked me. He told her that they wanted me to go off with them and they had a strike at the Marine Bakery and they wanted me to help them with it. If he had told me the same thing, I would have just got in the car with him, and I don't know what would have happened then. The next day I went down to the office and Mrs. Freels came to the door, and she said, "What on earth happened?" And I said, "Well, my wife beat me up," and I wanted to find out about it.

Mr. KENNEDY. You said originally your wife beat you up?

Mr. EVANS. I told her that, and I didn't want to say anything about it. So she laughed, and I asked her, I said, "Has there been anybody in town today," and she said, "Yes," and I described him, and she said it fit the description of the man that was there.

Mr. KENNEDY. Could you stand up now and see if you could find the man. Do you think you could identify him?

Mr. EVANS. I am sure I could.

Mr. KENNEDY. Would you look around this room and see if you could find him?

Mr. EVANS. There is the man right there in the grey jacket, the second one from the end there.

Mr. KENNEDY. Mr. Corky Ellis, will you come around, please?

The CHAIRMAN. Is this the man that you identify?

Mr. EVANS. Yes, sir.

The CHAIRMAN. Have a seat right there, Mr. Ellis, and we will get to you a little later.

Proceed.

Mr. KENNEDY. You raised this question with Mr. Reynolds?

Mr. EVANS. Well, I knew myself what had happened, and I didn't see him for a day or two, and he was in Nashville, I think. He left, or he was supposed to have been. I didn't see him, but I knew myself what had happened.

That was just about the end of it, though, and he come in the office and he laughed. And now this is hearsay, he didn't tell me this, but he said "I see somebody has pretty well worked Gene over, haven't they?" I know that to be a fact, but as I say it was hearsay.

The CHAIRMAN. Mr. Ellis, will you come around, please?

Will you be sworn? Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ELLIS. I do.

TESTIMONY OF WILLIAM LEON ELLIS, ACCOMPANIED BY HIS COUNSEL, L. N. D. WELLS

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. ELLIS. William Leon Ellis, 9250 Nathan, Nashville, Tenn., and I work for Kroger Grocery Co.

The CHAIRMAN. Do you waive counsel?

Mr. ELLIS. I have Mr. Wells representing me.

The CHAIRMAN. Where is he? Come around, Mr. Wells.

Counsel, will you please state your name and your place of residence.

Mr. WELLS. My name is L. N. D. Wells, Jr., and I live in Dallas, Tex., and I am a member of the firm of Mullinax, Wells & Morris.

The CHAIRMAN. You live in Dallas, Tex.?

Mr. WELLS. Yes, sir.

The CHAIRMAN. All right, have a seat.

You represent some labor union, do you, or labor organization?

Mr. WELLS. Yes, sir. Our firm is counsel to the Texas State Federation of Labor, AFL-CIO, now, and we also represent the Southern Conference of Teamsters.

The CHAIRMAN. Thank you very much. Are you here in the capacity of representing those labor organizations or are you here as the individual counsel of this witness?

Mr. WELLS. I am counsel to Mr. Ellis.

The CHAIRMAN. He has retained you?

Mr. WELLS. Yes, sir.

Mr. KENNEDY. Mr. Ellis, would you look to your left, and tell the committee if you have ever seen this gentleman before?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You were here during the testimony of Mr. Evans, and were the statements that he gave regarding your hitting him correct?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. That you approached him to talk over a matter with him, and when he got within striking distance, you clobbered him?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Have you done any work for the teamsters such as that in other instances?

Mr. ELLIS. What is that?

Mr. KENNEDY. Have you done anything like that for the teamsters in other instances?

Mr. ELLIS. I claim my constitutional right not to be a witness against myself.

Mr. KENNEDY. Have you beaten anybody else up, Mr. Ellis?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Were you brought over there by Mr. Reynolds to beat Mr. Evans up?

Mr. ELLIS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Were you accompanied on that trip by Mr. W. A. Smith?

Mr. ELLIS. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Do you honestly believe if you told the truth it might tend to incriminate you?

Mr. ELLIS. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. It is a fact it would incriminate you; is that right?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Can you say anything besides that?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Evans, there is no question in your mind but that Mr. Ellis is the one that hit you?

Mr. EVANS. There is no question in my mind but what he was the man who attacked me.

Mr. KENNEDY. Once you were down, he kicked you; is that right?

Mr. EVANS. Yes, sir.

Mr. KENNEDY. Is that true?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Where did you say you worked?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Read it back there, and I want to ask him, Where did you say you were employed?

Mr. ELLIS. Can I talk to my lawyer?

(The witness conferred with his counsel.)

Mr. ELLIS. I am employed at the Kroger Grocery Co.

The CHAIRMAN. How long have you been employed there?

Mr. ELLIS. About 3 months.

The CHAIRMAN. Where were you formerly employed?

Mr. ELLIS. TVA, in Gallatin, Tenn.

The CHAIRMAN. Tennessee?

Mr. ELLIS. Yes, sir.

The CHAIRMAN. Are you a native of Tennessee?

Mr. ELLIS. That is right.

The CHAIRMAN. You lived there all of your life?

Mr. ELLIS. No, sir; I don't think so.

The CHAIRMAN. Where have you lived other than in Tennessee?

Mr. ELLIS. Can I talk to my lawyer?

(The witness conferred with his counsel.)

Mr. ELLIS. I was in the Navy, and I also followed oil work, oil-field work.

Mr. ELLIS. Well, let me have a conference with my lawyer.

(The witness conferred with his counsel.)

Mr. ELLIS. I followed it to Texas, Colorado, Wyoming, and I think that is about all.

The CHAIRMAN. When did you join the teamsters?

(The witness conferred with his counsel.)

Mr. ELLIS. November 20, 1955.

The CHAIRMAN. When did this incident occur?

Mr. KENNEDY. December 15, 1955.

The CHAIRMAN. You had been a member about a month when this incident occurred, is that right?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Did you join the teamsters or were you hired by them?

(The witness conferred with his counsel.)

Mr. ELLIS. I joined the teamsters.

The CHAIRMAN. You joined the teamsters?

Mr. ELLIS. Yes, sir.

The CHAIRMAN. Were you ever hired by the teamsters to perform any service?

Mr. ELLIS. Yes, I was hired by the teamsters.

The CHAIRMAN. To perform what service?

Mr. ELLIS. Helping organize.

The CHAIRMAN. To help organize?

Mr. ELLIS. Yes, sir.

The CHAIRMAN. Was that a part of your business when you were down there beating this fellow up. Was that what you were hired to do?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. The Chair, with the permission of the committee, orders and directs you to answer that question. You are ordered and directed to answer the question whether you were hired to go down there and beat this man up?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. I did not hear your answer.

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. How long ago was this?

The CHAIRMAN. 1955, in December.

Senator CURTIS. That is all for the moment.

The CHAIRMAN. You do not like to be left in the category here in public, and for this record, as one of these professional goons, do you, that they hire to be around and commit violence and beat up people? Do you want to leave the record that way, that implication here because you have not the courage or honesty or integrity to simply say you did or did not? Do you want to leave the record that way?

Mr. ELLIS. Let me talk to my lawyer.

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. You have that right, if you want to exercise it, but you are leaving yourself in a pretty bad light here. You are a young man, and I would think that you have some sense of decency and some little bit of character in you, but you are leaving a record here that looks pretty bad. Do you want to leave it that way now or do you want to just tell the facts for once and tell the truth?

Mr. ELLIS. I will have to talk to my lawyer.

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. When did you first meet your attorney?

Mr. ELLIS. When I got my subpoena I went to Mr. Vestal with it and asked if he could recommend anybody.

The CHAIRMAN. You went to whom with it?

Mr. ELLIS. Mr. Vestal.

The CHAIRMAN. Who is he?

Mr. ELLIS. He is the president of local 327.

The CHAIRMAN. President of local 327?

Mr. ELLIS. Yes, sir.

The CHAIRMAN. And he recommended the attorney in Dallas, Tex., for you?

Mr. ELLIS. That is right.

The CHAIRMAN. Who procured the attorney for you, you or him?

Mr. ELLIS. I don't understand that.

The CHAIRMAN. Who procured the attorney, and who made the arrangements for your attorney, you or him?

Mr. ELLIS. I was met or introduced to Mr. Wells by Mr. Vestal and I selected Mr. Wells.

The CHAIRMAN. After he had been recommended by the president of the union?

Mr. ELLIS. I asked him for a recommendation of a lawyer.

The CHAIRMAN. I understand, but you were raised in Tennessee?

Mr. ELLIS. Yes, sir.

The CHAIRMAN. You know attorneys there; do you not?

Mr. ELLIS. No, sir, I am afraid I don't know very many.

The CHAIRMAN. You do not know very many?

Mr. ELLIS. None that I would want.

The CHAIRMAN. There are no lawyers in Tennessee you would want? You have a right to go to Texas, and get counsel, and I am not complaining, but I just want the record to reflect the circumstances and the facts. Here is a union apparently engaged in going around beating up people and shooting at them, and putting on a reign of terror in a State down here or in a whole area, and apparently you were one of them that they employed to do it. When you get subpoenaed before this committee, you go to the president of the local of which you are a member, and he gets you an attorney from Texas who represents labor organizations. It certainly has the implication to me, and I do not know how it has to the public and to the other members of the committee, but it certainly has the implication to me that this union is involved in this reign of terror probably directly responsible for it, and they send you to Texas to get one of their lawyers to come up here and represent you. You have that right, but it is just a circumstance that speaks louder than any explanation you have given.

Do you want to leave the record that way?

Mr. ELLIS. Let me talk to my lawyer.

(The witness conferred with his counsel.)

Mr. ELLIS. I do not understand exactly what you mean there.

The CHAIRMAN. Do you want to leave the record with that implication that you were hired as a goon and a thug by this union to go out here and beat up your fellow man, and then when you get subpoenaed before this committee to answer questions as to what occurred, that you immediately go to the president of that local union for advice with respect to getting an attorney and he sends you to Texas for an attorney? Do you want to leave the record that way, that you followed his advice? You knew attorneys, but you are doing all of this because of your obligation or because you have been bought and paid for by the union?

Do you want to leave the record that way?

Mr. ELLIS. Let me talk to my lawyer.

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Now, you probably have the physical courage when you have an advantage or think you have an advantage to take somebody by surprise to walk up and slug them and knock them down and kick them around, and then run. Then you run when somebody or some of the neighbors or somebody observes it and says that they are going to call the law. You probably have that much physical courage to do it as a thug and as a goon. But when you come up here and face the man that you beat up you haven't got the moral courage to stand there before him or sit there by him and admit that you did it, have you? Have you?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Where were you employed in December of 1955?

Mr. ELLIS. To the best of my recollection, I don't remember.

The CHAIRMAN. Did you get that phrase from Jimmy Hoffa? It seems to be permeating around here.

(The witness conferred with his counsel.)

Mr. ELLIS. I have never talked to Mr. Hoffa.

The CHAIRMAN. I am sure of that. I meant from the pattern he set when he testified here before this committee.

Senator CURTIS. You honestly do not know where you were working in 1955, in December?

Mr. ELLIS. I don't actually, and I can tell you where I think I was working.

Senator CURTIS. Where was it?

Mr. ELLIS. I think that I was working at the Ford glass plant.

Senator CURTIS. Where is that located?

Mr. ELLIS. That is located in the west part of Nashville.

Senator CURTIS. When did you begin working there?

Mr. ELLIS. I don't remember the exact date.

Senator CURTIS. You think you were working there in the middle of the month, around December 15?

Mr. ELLIS. I don't remember. There was a lot of wet weather and I was working on a truck, and we were laid off a lot, and I don't remember exactly when.

Senator CURTIS. Did you work for anybody else in December?

Mr. ELLIS. I don't remember if I did.

Senator CURTIS. Were you paid for doing anything in December other than working for this glass company?

Mr. ELLIS. December of what?

Senator CURTIS. 1955.

Mr. ELLIS. Let me have a conference with my lawyer.

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Now, if there was some employment and some payment to you in December of 1955 for something that you decline to testify about, I want to ask you: Did you report that remuneration in your income tax?

Mr. ELLIS. Did I do what?

Senator CURTIS. Did you report the money you received in your income tax?

Mr. ELLIS. Money received when?

Senator CURTIS. In December of 1955.

Mr. ELLIS. Let me consult my lawyer.

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Do you know the man sitting upon your left?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is not forcing you to be a witness against yourself, and your own attorney will not contend that. Do you know the man sitting on your left?

Mr. ELLIS. I will have a conference with my attorney.

(The witness conferred with his counsel.)

Mr. WELLS. May I address the Chair?

I beg your pardon. The clerk was asking me a question.

The CHAIRMAN. The question was: Do you know the man sitting on your left?

Mr. WELLS. Thank you.

The CHAIRMAN. That is the question to the witness.

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Who is paying your attorney for you?

Mr. ELLIS. That has not yet been decided.

The CHAIRMAN. You have not agreed to pay him? If it has not been decided, you have not agreed to pay him.

Mr. ELLIS. It hasn't been decided.

The CHAIRMAN. You have not yet agreed to pay your counsel, have you? Answer the question. Have you? Have you yet agreed to pay him?

Mr. ELLIS. I have not yet agreed to pay him.

The CHAIRMAN. You have not yet agreed to pay him?

Mr. ELLIS. No.

The CHAIRMAN. All right. Thank you.

Senator CURTIS. Now, did you ever see Mr. Evans, who is on your left, before today?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is all.

Mr. KENNEDY. I just have a couple of questions, Mr. Ellis. Where were you born?

Mr. ELLIS. I was born in White Bluff, Tenn.

Mr. KENNEDY. Did you go to school there?

Mr. ELLIS. No, sir; I didn't.

Mr. KENNEDY. Where did you go to school?

Mr. ELLIS. I went to school at Cohn, Cohn High.

Mr. KENNEDY. In West Nashville?

Mr. ELLIS. Yes, sir.

Mr. KENNEDY. And you lived there, or went to school there, until what time?

Mr. ELLIS. Well, actually, I mean I think that I left White Bluff when I was 18 months old, or something like that.

Mr. KENNEDY. How far did you go through school?

Mr. ELLIS. I finished school.

Mr. KENNEDY. You finished high school?

Mr. ELLIS. I don't know what you call it; not actually at Cohn. I got school through correspondence.

Mr. KENNEDY. Through high school?

Mr. ELLIS. Well, they gave me a diploma.

Mr. KENNEDY. What did you do after that?

Mr. ELLIS. After I got out?

Mr. KENNEDY. Yes.

Mr. ELLIS. I was in the Navy for a while.

Mr. KENNEDY. How long were you in the Navy?

Mr. ELLIS. I went in the Navy, and I was in service altogether about 4 years, I think; the best I remember it was about 4 years.

Mr. KENNEDY. Starting when?

Mr. ELLIS. I don't remember the exact date when it was.

Mr. KENNEDY. You do not remember when you were in the Navy?

Mr. ELLIS. Not the exact date.

Mr. KENNEDY. Approximately what years?

Mr. ELLIS. I would say somewhere around 1944 or 1945, or somewhere in there.

Mr. KENNEDY. 1944 or 1945?

Mr. ELLIS. Somewhere in there.

Mr. KENNEDY. Until what time?

Mr. ELLIS. Well, I would say around 1948, or something like that.

Mr. KENNEDY. How old are you now?

Mr. ELLIS. 29 years of age.

Mr. KENNEDY. 29 years of age?

Mr. ELLIS. Yes, sir.

Mr. KENNEDY. You did some boxing in the Navy?

Mr. ELLIS. I may have done some; everybody does some boxing in the Navy that goes through calisthenics.

Mr. KENNEDY. Did you do any boxing in the Golden Gloves?

Mr. ELLIS. Not actually Golden Gloves, I think.

Mr. KENNEDY. What kind of boxing did you do?

Mr. ELLIS. I might have done some amateur boxing.

Mr. KENNEDY. Where did you box amateur?

Mr. ELLIS. I boxed some in Nashville.

Mr. KENNEDY. In Nashville?

Mr. ELLIS. Yes, sir.

Mr. KENNEDY. You never did any professional boxing?

Mr. ELLIS. No, sir; I never did.

Mr. KENNEDY. For how long did you box amateur?

Mr. ELLIS. I don't really remember how long, exactly, it was.

Mr. KENNEDY. When was that when you were boxing in Nashville?

Mr. ELLIS. Sir?

Mr. KENNEDY. When were you boxing amateur?

Mr. ELLIS. I don't remember. To the best of my recollection, I don't remember the exact date.

Mr. KENNEDY. Was it a couple of years ago, 5 years ago, or after you got out of the Navy?

Mr. ELLIS. It has been longer than that.

Mr. KENNEDY. After you got out of the Navy?

Mr. ELLIS. No; I think it was before. I am not sure.

Mr. KENNEDY. Do you know Mr. Canaday, Perry Canaday?

Mr. ELLIS. Let me talk to my lawyer.

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you know that Mr. Canaday and Mr. Richardson and another gentleman were arrested for the slugging and almost killing of an individual by the name of Bruce, of the B. & S. Trucking Company?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And that that beating took place on November 21, 1955, shortly after you were hired?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. It is a strange thing. They were able to get everybody else except the man who did the slugging of Mr. Bruce. According to the testimony we had yesterday, Mr. Bruce still is not able to work 2 years later, and he still does not have all his faculties. Do you know anything about the slugging of Mr. Bruce?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Is it not a fact that you were the one that did that?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You have been arrested on other occasions, have you not, for slugging people? Isn't that right?

(The witness conferred with his counsel.)

Mr. ELLIS. I was accused of it, but I was acquitted.

Mr. KENNEDY. When was that?

Mr. ELLIS. I don't remember the exact date of it.

Mr. KENNEDY. Was it this year?

Mr. ELLIS. I believe it was.

Mr. KENNEDY. 1957?

Mr. ELLIS. Yes.

Mr. KENNEDY. Who were you supposed to have beaten up at that time?

Mr. ELLIS. Earl O'Bryan.

The CHAIRMAN. Did you have a lawyer at that time? When you were acquitted, did you have a lawyer?

Mr. ELLIS. I had Z. T. Osborne at that time.

The CHAIRMAN. You did know him and you used him in that instance?

Mr. ELLIS. I did.

The CHAIRMAN. So you have used Tennessee lawyers in the past?

Mr. ELLIS. I have used one.

The CHAIRMAN. All right. Go ahead.

Mr. KENNEDY. Who did you have as an attorney?

Mr. ELLIS. Z. T. Osborne.

Mr. KENNEDY. Does he do any work for the teamsters down there?

(The witness conferred with his counsel.)

Mr. ELLIS. I have heard that he was the teamster lawyer there in Nashville.

Mr. KENNEDY. How did you happen to retain him?

Mr. ELLIS. How I happened to retain him? I was advised to go to him.

Mr. KENNEDY. By whom?

Mr. ELLIS. Mr. Vestal.

Mr. KENNEDY. He is president of the local?

Mr. ELLIS. Yes, sir.

Mr. KENNEDY. Now, who paid Mr. Osborne's fee? Did you pay him?

Mr. ELLIS. I did not pay him.

Mr. KENNEDY. So the union local paid that?

Mr. ELLIS. I do not know.

Mr. KENNEDY. You did not have any discussion about fee with him?

Mr. ELLIS. No, sir.

Mr. KENNEDY. You went to him on the recommendation of Mr. Vestal; is that right?

Mr. ELLIS. Not altogether.

Mr. KENNEDY. Mr. Vestal recommended him to you?

Mr. ELLIS. I knew he was a lawyer.

Mr. KENNEDY. Didn't Mr. Vestal recommend that you go to him?

Mr. ELLIS. I asked him who was a good lawyer there and he told me of a man's name.

Mr. KENNEDY. So you went to him?

Mr. ELLIS. Yes.

Mr. KENNEDY. So there was never any discussion of the fee. Who was it you were supposed to have beaten up?

Mr. ELLIS. Earl O'Bryan.

Mr. KENNEDY. Where did he work?

Mr. ELLIS. I think he worked for Roadway Express.

Mr. KENNEDY. He was a member of the teamsters?

Mr. ELLIS. Yes, sir.

Mr. KENNEDY. Did you understand he was deemed to be an agitator in Nashville, Tenn.?

Mr. ELLIS. What was the question?

Mr. KENNEDY. Did you understand that he was deemed to be an agitator in Nashville, Tenn., that he was one of those raising a lot of questions in the local in Nashville?

Mr. ELLIS. Well, I read in the paper that he was.

The CHAIRMAN. Did you get that information from anyone else than the paper?

Mr. ELLIS. No, sir; I read it in the paper.

The CHAIRMAN. What instructions did you get when you were told to go beat him up? Did they tell you why they wanted him beaten up?

Mr. ELLIS. No one told me anything on it.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. But when you were accused of it, the teamsters, Mr. Vestal recommended the attorney and you never paid the attorney; is that right?

Mr. ELLIS. I haven't had the money to pay him, I will tell you.

Senator CURTIS. Did you take the witness stand in that case?

Mr. ELLIS. I did.

Senator CURTIS. Did you deny having any part in the offense you were charged with?

Mr. ELLIS. I did not deny that me and Mr. O'Bryan were talking. I did not deny that me and Mr. O'Bryan were talking.

Senator CURTIS. But you denied hitting him or injuring him?

Mr. ELLIS. Yes, sir.

Senator CURTIS. Did you hit him?

Mr. ELLIS. No, sir; I didn't.

The CHAIRMAN. Did you hit this man?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you not see the implication? You can deny the charge of hitting another man and here you sit beside a man who said

you beat him up. I cannot draw any other inference from it except that you, in this instance, were the one employed and did the job. Otherwise you could say you did not. Do you want to leave that inference?

Mr. ELLIS. What was the question again?

The CHAIRMAN. Do you want to leave that inference?

Mr. ELLIS. What inference?

The CHAIRMAN. The inference, by not denying it, you beat this man up?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Are you still in the employ of the union local?

Mr. ELLIS. Am I what?

The CHAIRMAN. Are you still in the employ of the teamsters union local?

Mr. ELLIS. I am employed by Kroger Co.

The CHAIRMAN. I know you are, but you said you were employed by the teamsters local there. Are you still being employed?

Mr. ELLIS. I work for Kroger Grocery Co.

The CHAIRMAN. I know you work for Kroger. I am not questioning that. But you testified that you had been in the employ of the teamsters local. Did you not testify to that a few moments ago?

(The witness conferred with his counsel.)

Mr. ELLIS. I am not employed by the teamsters local.

The CHAIRMAN. You have been in the past, have you not? You testified to that.

Mr. ELLIS. I have worked on picket lines; yes.

The CHAIRMAN. What other kinds of work did you do for them?

Mr. ELLIS. That is all that I remember outside of working in the election.

The CHAIRMAN. Are you one that is just called on for special occasions by the teamster local?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Did Mr. Reynolds call you up by long distance telephone a day or two before this man was beat up?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. How come you went down there at that time?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Were you in Knoxville on the day this man was beaten up?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Were you ever paid any money or check or other thing of value by this local teamsters union or any other official or person connected with the teamsters union?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Did you report all of the money that came into your hands in 1955 in your income-tax return?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is all.

Mr. KENNEDY. As I understand it, Mr. Ellis, you did not beat Mr. O'Bryan up. Is that your testimony? You did not participate in this beating?

Mr. ELLIS. I was acquitted of it.

Mr. KENNEDY. You never did take part in it?

Mr. ELLIS. I never did.

Mr. KENNEDY. Did you take part at all in the beating up of Mr. Bruce?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. I would like to point out once again that Mr. Bruce was beaten in November 1955, and still cannot work. He was unconscious for 10 days and still does not have the use of all his faculties.

The CHAIRMAN. Were you hit by anything as far as you know besides the man's fist?

Mr. EVANS. Your Honor, I think he had something on his hand.

The CHAIRMAN. Was it knuckles?

Mr. EVANS. I don't believe it was metal. My opinion was that it was a piece of leather across his hand.

Mr. KENNEDY. Then you were kicked in the head?

Mr. EVANS. Yes.

Mr. KENNEDY. How many are in your group of thugs that they call on to go around and beat people up? Who else is in the crowd with you?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You can be a witness against them and tell who they are, can't you?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my right not to be forced to be a witness against myself.

Senator CURTIS. Did any law officers ever interrogate you concerning the charge of beating up Mr. Evans?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. I am not asking you what you told them. I am asking you if any law-enforcement officers ever questioned you about beating up Mr. Evans.

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Were you ever questioned by any law-enforcement officers concerning the beating up of Mr. Bruce?

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you have a family?

Mr. ELLIS. Yes, I have a family.

The CHAIRMAN. How would you like to get beat up just because somebody did not agree with you?

Mr. ELLIS. I don't understand your question.

The CHAIRMAN. How would you like to get beat up just because someone did not agree with you?

(The witness conferred with his counsel.)

Mr. ELLIS. I don't understand exactly what you mean.

The CHAIRMAN. You do not? Do you not think if the situation had been reversed and you had been in his place and he in yours, you would understand what I meant?

(The witness conferred with his counsel.)

Mr. ELLIS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. The Chair is going to express a little opinion. I think people who sell their services to act as goons and thugs and go around and beat people up are the scum of humanity. You can be your own judge as to whether you are guilty or not. Any other questions?

Mr. KENNEDY. That is all.

The CHAIRMAN. Stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Robert Caldwell.

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CALDWELL. I do.

TESTIMONY OF ROBERT CALDWELL

The CHAIRMAN. Be seated. State your name, place of residence, and occupation.

Mr. CALDWELL. Bob Caldwell, Salway Road, Knoxville, Tenn.

The CHAIRMAN. What is your occupation?

Mr. CALDWELL. Truckdriver.

The CHAIRMAN. You waive counsel, do you, Mr. Caldwell?

Mr. CALDWELL. I don't understand your question.

The CHAIRMAN. Do you waive counsel? You do not have an attorney to represent you. Do you feel you need an attorney to represent you?

Mr. CALDWELL. No, sir.

The CHAIRMAN. Thank you very much. Proceed.

Mr. KENNEDY. Mr. Caldwell, you are a driver for the Purity Packing Co.?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. You held the same position in 1956?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. The teamsters were making an effort to organize you in 1956?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. Were you interested in joining the union at that time?

Mr. CALDWELL. No, sir.

Mr. KENNEDY. Was there a picket line placed outside the Purity Packing Co.?

Mr. CALDWELL. Yes, sir; on Monday morning when I went to work—

Mr. KENNEDY. Could you speak up a little?

Mr. CALDWELL. On Monday morning when I went to work at approximately 5 o'clock, I heard something about they were on strike, but I didn't know for sure what was happening. In fact, I didn't know anything about the union to start with. As I pulled in on the property, I saw approximately 10 cars and some men pull in behind me.

Mr. KENNEDY. Did you understand the teamsters approached the Purity Packing Co. and said they had a majority of employees signed up and they wanted a contract with that company and that the company had requested an election, and that the union had refused the election and had put the picket line up.

Mr. CALDWELL. At the time I didn't.

Mr. KENNEDY. Did you learn that subsequently?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. So the picket line was up; is that right?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. Did you continue to work despite the picket line?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. You went around through the back?

Mr. CALDWELL. I went out the back exit.

Mr. KENNEDY. You came out so that they did not know you were coming out; is that right?

Mr. CALDWELL. Right.

Mr. KENNEDY. On Friday night, October 25, 1956, you were not at home; is that right?

Mr. CALDWELL. October 26.

Mr. KENNEDY. October 26.

Mr. CALDWELL. Yes.

Mr. KENNEDY. Did something occur near your home at that time?

Mr. CALDWELL. My automobile was blown up.

Mr. KENNEDY. Could you tell the committee where you were?

Mr. CALDWELL. I had gone to the ball game in Knoxville.

Mr. KENNEDY. Before the ball game was over, did your brother come in to get you?

Mr. CALDWELL. No. We left the ball game and went to eat.

Mr. KENNEDY. And then your brother came in to get you?

Mr. CALDWELL. Yes.

Mr. KENNEDY. Will you tell what happened?

Mr. CALDWELL. I was told that my car was blown to pieces.

Mr. KENNEDY. Some dynamite had been put under your car?

Mr. CALDWELL. Yes.

Mr. KENNEDY. How much dynamite was placed under your car?

Mr. CALDWELL. I don't know. It must have been pretty big.

Mr. KENNEDY. Was there anything left of the car?

Mr. CALDWELL. Not that was of any use.

Mr. KENNEDY. So the car was a complete loss. Do you have a picture of the car there?

Mr. CALDWELL. Yes.

The CHAIRMAN. The picture may be made exhibit No. 7.

(The photograph referred to was marked "Exhibit No. 7" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Your wife was home?

Mr. CALDWELL. Yes.

Mr. KENNEDY. You have a couple of children?

Mr. CALDWELL. Yes.

Mr. KENNEDY. Your wife was in bed?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. Was she expecting another child?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. Did she hear the explosion?

Mr. CALDWELL. It knocked her out of bed.

Mr. KENNEDY. Knocked your wife, who was expecting a child, and your two children, out of bed?

Mr. CALDWELL. Yes.

Mr. KENNEDY. Did it have any effect on your wife?

Mr. CALDWELL. Well, she is sort of a nervous girl, anyway. I would say 6 or 8 weeks following the dynamiting of the car she had to stay in bed.

Mr. KENNEDY. Was that on instructions of the doctor?

Mr. CALDWELL. Yes.

Mr. KENNEDY. He said after being thrown out of bed like this, she would have to remain in bed?

Mr. CALDWELL. He examined her Saturday morning following that, and told her it would be necessary to stay in bed to keep from losing the baby.

Mr. KENNEDY. Did she remain in bed?

Mr. CALDWELL. Yes.

Mr. KENNEDY. How long a period of time?

Mr. CALDWELL. Just about until it was born.

Mr. KENNEDY. That was 8 or 10 weeks?

Mr. CALDWELL. Yes.

Mr. KENNEDY. Actually $4\frac{1}{2}$ or 5 months?

Mr. CALDWELL. Four months.

Mr. KENNEDY. She remained in bed for the 4-month period, then?

Mr. CALDWELL. Yes. She also was in the hospital two times before this.

Mr. KENNEDY. Did the doctor express concern she would lose her baby because of what happened?

Mr. CALDWELL. He expressed concern that there was a possibility she would lose it.

Mr. KENNEDY. For what reason do you think your automobile was dynamited?

Mr. CALDWELL. The only reason I could guess would be that they did not want me to work. In fact, I never was approached by any union official whatsoever. Other than that, that is the only reason it could be.

Mr. KENNEDY. What do you think the reason was?

Mr. CALDWELL. I would not have the slightest idea.

Mr. KENNEDY. What was the reason you think your automobile was blown up? That is what I am trying to get from you. I could not understand your answer. What reason do you think dynamite was put under your automobile?

Mr. CALDWELL. I imagine so to make me and the other three drivers that had not joined, to make us join.

Mr. KENNEDY. To make you join the union?

Mr. CALDWELL. Yes.

Mr. KENNEDY. Did you see anything on the day prior to the dynamiting? Did anything occur around your home that made you suspicious?

Mr. CALDWELL. Yes, sir. On Thursday before the dynamiting this Mr. Payne, I presume, I think it was his car, it had set on the picket line.

Mr. KENNEDY. He is the business agent of the teamsters?

Mr. CALDWELL. Yes.

Mr. KENNEDY. He was in charge of the picket line in front of your company?

Mr. CALDWELL. I presume so. This car and two of them, the truck drivers that were on strike, came down the highway. I pulled into my mother's store which is approximately 300 feet from the house. They made this loop.

Mr. KENNEDY. What?

Mr. CALDWELL. They made this loop and come back of my house and stopped in front of my house. One of the boys that was in the car had his arm out the window pointing to where my car sat.

Mr. KENNEDY. So the day before the explosion took place, Mr. Payne, who is secretary-treasurer of the teamsters, had been active in the picket line, came in a car and circled around and they parked and then an individual who was one of those that was on strike put his finger out the window and pointed to the place where your car was; is that right?

Mr. CALDWELL. I don't know for sure whether it was Payne or not, but I do know it was one of the boys who was on strike.

Mr. KENNEDY. You did recognize one of the fellows that was on strike?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. And you recognized, as I understand it, the car as being Mr. Payne's car.

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. Although you do not know whether it was him, you recognized the car as his?

Mr. CALDWELL. I recognized the car as being the one that set on the picket line during the week. It set there all week long.

Mr. KENNEDY. The following night after that occurred, your car was dynamited?

Mr. CALDWELL. Right.

Mr. KENNEDY. Were you interviewed that night by the police?

Mr. CALDWELL. No; when I got home there was only one there. He just said it was a terrible thing. That is all.

Mr. KENNEDY. Did you ever hear again?

Mr. CALDWELL. No, sir; I went to Attorney Clements' office on Saturday morning. He just passed it back. Other than that that is the last I heard of it.

The CHAIRMAN. Was he the prosecuting attorney or district attorney?

Mr. CALDWELL. I don't know.

Mr. KENNEDY. He is the prosecuting attorney, though, the district attorney in that district; is he not?

Mr. CALDWELL. I believe he is.

Senator CURTIS. You say you went to talk to him?

Mr. CALDWELL. Yes, sir.

Senator CURTIS. What did you say to him?

Mr. CALDWELL. Probably what I have said to you.

Senator CURTIS. You told him what happened?

Mr. CALDWELL. Yes.

Senator CURTIS. What did he say to you?

Mr. CALDWELL. Nothing.

Senator CURTIS. Did he take your statement in writing?

Mr. CALDWELL. Yes, sir.

Senator CURTIS. Did he ever call you back?

Mr. CALDWELL. No, sir.

Senator CURTIS. He made no observation about the case at all that you remember?

Mr. CALDWELL. No, sir.

The CHAIRMAN. Were you ever called before a grand jury?

Mr. CALDWELL. No, sir.

Senator CURTIS. Now, there was a police officer at the scene of the dynamiting when you arrived home?

Mr. CALDWELL. Yes, sir.

Senator CURTIS. Did he talk to you?

Mr. CALDWELL. No, no more than say it was a terrible thing. That was all.

Senator CURTIS. He never took your statement?

Mr. CALDWELL. No, sir.

Senator CURTIS. He never asked you about seeing this car that you identified as one that was near the picket line having some occupants who pointed out your car?

Mr. CALDWELL. No. All he told me was that they had to pick up these three boys that was on strike, that was all.

Senator CURTIS. You do not know whether they picked them up or not?

Mr. CALDWELL. I don't know for sure, but I had heard that they did. But they did not hold them. I mean they held them a day, I think was all.

Senator CURTIS. Were you reimbursed for your loss of car by anyone?

Mr. CALDWELL. Well, my boss took it upon himself and bought me an automobile.

Mr. KENNEDY. Was your automobile insured?

Mr. CALDWELL. It had fire and theft on it, but it was not paid for.

Mr. KENNEDY. But your insurance premium for fire and theft was paid?

Mr. CALDWELL. I imagine it was.

Mr. KENNEDY. Did the insurance company pay you for the car?

Mr. CALDWELL. No, sir.

Mr. KENNEDY. Why not?

Mr. CALDWELL. I don't know.

Mr. KENNEDY. Did they give you a reason?

Mr. CALDWELL. They said it did not cover dynamiting.

Mr. KENNEDY. Your insurance policy covered only fire and theft, and therefore did not cover dynamiting, is that right?

Mr. CALDWELL. That is right.

Mr. KENNEDY. Did you have some medical bills for your wife?

Mr. CALDWELL. Yes, sir; I had quite a few.

Mr. KENNEDY. Because of what occurred?

Mr. CALDWELL. Yes, sir.

Mr. KENNEDY. How much did they amount to, approximately?

Mr. CALDWELL. Approximately, around \$300. Of course, she was in the hospital before the baby was born, which my insurance would not cover, two times prior.

Mr. KENNEDY. So, she was in the hospital a couple of times. In addition, you had \$300 worth of medical expense at home, and how much was your automobile worth?

Mr. CALDWELL. I paid \$850 for it.

Mr. KENNEDY. It was a total loss?

Mr. CALDWELL. Yes, sir.

The CHAIRMAN. Is there anything further? If not, the committee will stand in recess until 2 o'clock.

(Members present at the taking of the recess were Senators McClellan and Curtis.)

(Whereupon, at 12:15 p. m., a recess was taken until 2 p. m. the same day.)

AFTER RECESS

(Members present at the convening of the session were Senators McClellan and Curtis.)

The CHAIRMAN. The committee will come to order.

Call the next witness.

Mr. KENNEDY. Sam Peters, please.

The CHAIRMAN. Will you be sworn? You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PETERS. I do.

TESTIMONY OF SAM PETERS

The CHAIRMAN. Be seated over here. State your name, your place of residence, and your business or occupation, please, sir.

Mr. PETERS. Sam Peters, Sardis, Ohio. I am a storekeeper.

The CHAIRMAN. Mr. Peters, do you waive the right of counsel while you testify?

Mr. PETERS. Yes, sir.

The CHAIRMAN. Thank you very much. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Peters, for a period of time you lived in Tennessee and were a member of the teamsters union?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. That was what year?

Mr. PETERS. From March 1953, and I was a member until 1956, through 1956.

Mr. KENNEDY. During that period of time, did you act as an organizer? Did you work in organizational work?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Were you associated in that work with Mr. W. A. Smith?

Mr. PETERS. Yes, sir.

Mr. PETERS. And Mr. Perry Canaday? Is that right?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. By whom were you originally hired?

Mr. PETERS. I was never hired, sir. I never was on the payroll of the union.

Mr. KENNEDY. Your expenses were paid?

Mr. PETERS. One time only, sir.

Mr. KENNEDY. Is that when you went over to North Carolina?

Mr. PETERS. Yes.

Mr. KENNEDY. And you did some work over in North Carolina?

Mr. PETERS. Yes.

Mr. KENNEDY. What period of time was that, that you were working over there?

Mr. PETERS. That was sometime the first part of December 1954.

Mr. KENNEDY. Who sent you over to North Carolina?

Mr. PETERS. Don Vestal.

Mr. KENNEDY. What position does he hold?

Mr. PETERS. He is president of the local in Nashville.

Mr. KENNEDY. That is local 327; is that right?

Mr. PETERS. Yes.

Mr. KENNEDY. Under him was working W. A. Smith, who was the business agent; is that right?

Mr. PETERS. Yes.

Mr. KENNEDY. Canaday was a business agent, also, of local 327?

Mr. PETERS. Yes.

Mr. KENNEDY. Now, when you came back to Tennessee, did Mr. Smith approach you about taking part in any violence?

Mr. PETERS. No, sir. He did not approach me. I came back from North Carolina to Nashville with the intention of going back to North Carolina in 2 or 3 days, and W. A. Smith and a man by the name of Marston, I went back with them.

Mr. KENNEDY. That is Bobby Marston?

Mr. PETERS. Yes.

Mr. KENNEDY. He is a member of local 327?

Mr. PETERS. Yes.

Mr. KENNEDY. He went back to North Carolina?

Mr. PETERS. Yes.

Mr. KENNEDY. Did you understand there was any violence that took place in North Carolina while you were over there?

Mr. PETERS. Not in the State of North Carolina, sir. I don't think while I was there.

Mr. KENNEDY. Did you take part in any when you came back into Tennessee a second time?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Did you take part with Mr. Smith and Mr. Canaday in the siruping of trucks?

Mr. PETERS. I don't think Mr. Canaday was there, sir.

Mr. KENNEDY. Was Mr. Smith?

Mr. PETERS. I think Mr. Smith, Mr. Marston, and some representatives out of Charlotte, N. C., local there. There were maybe 5 or 6 or 7 people in the 2 cars.

Mr. KENNEDY. You know Mr. Smith was there?

Mr. PETERS. Yes.

Mr. KENNEDY. How many different occasions did this occur, the siruping of trucks?

Mr. PETERS. Once in Newport, Tenn.

Mr. KENNEDY. What company?

Mr. PETERS. The Tennessee-Carolina Transportation.

Mr. KENNEDY. Did you take part in that?

Mr. PETERS. No, sir; I was in the automobile when the siruping was done.

Mr. KENNEDY. You did not actually do the siruping, but you drove the automobile?

Mr. PETERS. No, sir; I was not driving, either. I was a passenger in the car.

Mr. KENNEDY. When was that, approximately?

Mr. PETERS. I think it was in December, the month of December of 1954, sir. I don't remember the exact dates.

Mr. KENNEDY. At whose direction was the siruping of these trucks done?

Mr. PETERS. I would say W. A. Smith. I could not say definitely.

Mr. KENNEDY. You were taking orders from him?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. And he was the business agent of 327 of the teamsters. Now, the teamsters were having difficulty with this trucking company at the time?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. They were striking them: were they?

Mr. PETERS. Yes.

Mr. KENNEDY. The siruping was done for that purpose, to cause damage to this company that was on strike; is that right?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Do you know how many trucks were siruped?

Mr. PETERS. In that instance, one.

Mr. KENNEDY. Just one truck?

Mr. PETERS. Yes.

Mr. KENNEDY. Did you take part in any other?

Mr. PETERS. Yes.

Mr. KENNEDY. Was anybody ever arrested in connection with that?

Mr. PETERS. Yes, sir; I was.

Mr. KENNEDY. Were you convicted?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. In connection with the siruping of that truck?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Although you had not taken any part in it; is that right?

Mr. PETERS. I was in the automobile. I didn't have any active part in it.

Mr. KENNEDY. Was anybody else arrested other than yourself?

Mr. PETERS. No, sir.

Mr. KENNEDY. Just yourself, and you were convicted; is that right?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. And sent to jail?

Mr. PETERS. I was sentenced.

Mr. KENNEDY. Sentenced to 30 days?

Mr. PETERS. Yes.

Mr. KENNEDY. But you have not served that?

Mr. PETERS. No, sir.

Senator CURTIS. Was anybody else arrested?

Mr. PETERS. No, sir.

Senator CURTIS. Did the officers, after they arrested you, take your statement and ask you what took place?

Mr. PETERS. I never was asked any questions by any officers at all, sir.

Senator CURTIS. And you were never given a chance to state what you were doing and what happened and what you saw and heard?

Mr. PETERS. I received that opportunity at the trial, sir, but I declined. I didn't say anything about it, who did it at that time.

Senator CURTIS. Was it tried by jury?

Mr. PETERS. Yes, sir.

Senator CURTIS. You mean that you did not take the witness stand?

Mr. PETERS. Yes, sir; I did take the witness stand.

Senator CURTIS. Prior to that, did any law officer ever ask you for your version of what happened on the date involved?

Mr. PETERS. No, sir.

Senator CURTIS. To your knowledge, was anyone who did have part in it arrested?

Mr. PETERS. No, sir.

Senator CURTIS. Did any of the participants in this act ever talk to you about going to trial?

Mr. PETERS. Yes, sir.

Senator CURTIS. Who did?

Mr. PETERS. W. A. Smith.

Senator CURTIS. What did he say to you?

Mr. PETERS. I don't remember the exact words of it, sir.

Senator CURTIS. Give me the idea.

Mr. PETERS. I guess I did the whole thing but not involve him in it, I imagine, sir. That is what my interpretation of what the conservation would have been.

Senator CURTIS. Is that a conversation where he suggested that or where he requested it or where you were ordered to?

Mr. PETERS. I don't remember. That was a long time ago. That is one thing I would like to forget.

Senator CURTIS. You didn't have to serve your time?

Mr. PETERS. The case was appealed, sir. I honestly don't know the final disposition of it. I could not tell you. I haven't heard since the case was appealed to the Supreme Court.

Senator CURTIS. That is all.

Mr. KENNEDY. But you were sentenced and fined at that time?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. And you did not pay the fine nor serve the sentence?

Mr. PETERS. No.

Mr. KENNEDY. Who represented you in that case?

Mr. PETERS. An attorney from Chattanooga, by the name of King.

Mr. KENNEDY. Who obtained him for you?

Mr. PETERS. I didn't. I don't know what he was paid or who paid him.

Mr. KENNEDY. You did not pay him yourself?

Mr. PETERS. No.

Mr. KENNEDY. Do you know if he was paid by the teamsters?

Mr. PETERS. He was their attorney in labor matters.

Mr. KENNEDY. He was the attorney for the teamsters?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Did he recommend that you not take the stand?

Mr. PETERS. No, sir.

Mr. KENNEDY. You just decided that on your own?

Mr. PETERS. I think I was put on the stand, if I remember right.

Mr. KENNEDY. And refused to talk?

Mr. PETERS. No, sir, I didn't refuse to talk. I said I didn't do the act, which I didn't. But I did not implicate anyone else in it.

Mr. KENNEDY. Did they ask you about who else might be involved?

Mr. PETERS. I don't remember for sure if they did or not, Mr. Kennedy. Most likely they did. In a trial of that sort I imagine they would.

Senator CURTIS. What is the name of that attorney?

Mr. PETERS. King, K-i-n-g.

Senator CURTIS. Do you know his first name or initial?

Mr. PETERS. H. G. B. King.

Senator CURTIS. And you did not pick him out?

Mr. PETERS. Well, sir, indirectly I guess I did. I knew of the man. He is a good attorney and he was recommended to me and I guess I would have been responsible for picking him out. There was also another attorney from Newport, Tenn., by the name of Hurd. I don't remember his first name.

Senator CURTIS. But as a matter of ethics an attorney should not consent to defending a man charged with an offense if there is any obstruction in the way of his making an allout defense for you. Was he interested in what might come out of this trial about some of these other parties?

Mr. PETERS. I don't know, sir.

Senator CURTIS. That is all.

The CHAIRMAN. Before we pass on to other incidents and interrogate you about them, in this instance, as I understand there were how many actually who participated in the act?

Mr. PETERS. Two men.

The CHAIRMAN. Two beside you?

Mr. PETERS. There were either 5 or 6, it could have been 7 people, in 2 automobiles at the site, sir.

The CHAIRMAN. In other words, you drove up there in two automobiles.

Mr. PETERS. Yes, sir.

The CHAIRMAN. You were in one of them?

Mr. PETERS. Yes, sir.

The CHAIRMAN. You remained in the car?

Mr. PETERS. Yes, sir.

The CHAIRMAN. Some of the others remained in?

Mr. PETERS. Yes, sir.

The CHAIRMAN. Two men actually went out and poured the sirup in the trucks, is that correct?

Mr. PETERS. Yes.

The CHAIRMAN. Do you know the two men that did it?

Mr. PETERS. I don't know if they did. I know which two got out of the car.

The CHAIRMAN. Do you know the two that got out of the car?

Mr. PETERS. Yes, sir.

The CHAIRMAN. Did you testify to that at your trial?

Mr. PETERS. No, sir.

The CHAIRMAN. You were not asked?

Mr. PETERS. I imagine I was asked, sir, but I did not explain it out.

The CHAIRMAN. You were not seriously cross-examined then?

Mr. PETERS. Not too seriously, sir. I don't know.

The CHAIRMAN. You thought you got off pretty light. I mean in the cross-examination.

Mr. PETERS. Yes, sir, fairly light, sir. Yes, sir.

The CHAIRMAN. Was it arranged for you to be the "fall guy" in this instance, let you be arrested and take the blame for all of them if you happened to get convicted? Is that the understanding?

Mr. PETERS. No, sir; I didn't have any plans for being convicted on it.

The CHAIRMAN. You did not have any plans to be convicted?

Mr. PETERS. No, sir; I didn't do it and I sure didn't want to be convicted on it.

The CHAIRMAN. Do you know why the others were not arrested?

Mr. PETERS. I think the reason that I was arrested for that, sir, there was an investigation carried on for about 6 months after that. During a period of about 6 months. The next thing I heard about it, I think was in June of 1955, I was arrested for that. I went up once for arraignment. I pleaded not guilty and went back for trial. I was the only one in the crowd that anyone that was there knew by name.

The CHAIRMAN. They knew your name?

Mr. PETERS. Yes, sir, and they didn't know anyone else.

The CHAIRMAN. The others had been imported in there from North Carolina; is that correct?

Mr. PETERS. Well, sir, that is about halfway between North Carolina and Nashville.

The CHAIRMAN. Where were the others from?

Mr. PETERS. Charlotte, N. C.

The CHAIRMAN. Charlotte is not on the border at all.

Mr. PETERS. No, sir. That is where the labor troubles originated, in Charlotte.

The CHAIRMAN. Where was this plant located where the truck was that was siruped.

Mr. PETERS. In Newport, Tenn.

The CHAIRMAN. And the others that participated in it, now, as I understand, were from North Carolina?

Mr. PETERS. Yes, sir.

The CHAIRMAN. How far is Newport from the border of North Carolina?

Mr. PETERS. 10, maybe 15 miles.

The CHAIRMAN. I have been there. I know where it is. So they brought them all the way from Charlotte?

Mr. PETERS. Yes, sir.

The CHAIRMAN. That is about 200 miles away, is it not, from Newport?

Mr. PETERS. Close to it, yes, sir.

The CHAIRMAN. Close to 200 miles away from Newport, they brought them from North Carolina down there to sirup the truck?

Mr. PETERS. Yes, sir.

The CHAIRMAN. When you were on the witness stand were you asked about who else was in the crowd?

Mr. PETERS. Yes, sir.

The CHAIRMAN. Did you tell them?

Mr. PETERS. I told them two of the men, sir, and I declined, I didn't say anything about Smith and Marston being in the crowd.

The CHAIRMAN. Smith was there?

Mr. PETERS. Yes, sir.

The CHAIRMAN. In one of the cars?

Mr. PETERS. Yes, sir.

The CHAIRMAN. In the crowd?

Mr. PETERS. Yes, sir.

The CHAIRMAN. You did not tell the jury that when you were tried?

Mr. PETERS. No, sir.

The CHAIRMAN. Why?

Mr. PETERS. I tried to find an explanation for that for about 2 or 3 years, sir.

The CHAIRMAN. Were you afraid of Smith? Is that the explanation?

Mr. PETERS. Well, I don't know I was afraid of him, in the sense of being afraid of the man, but I don't guess I wanted to cross him or something.

The CHAIRMAN. You guess you did not want to cross him?

Senator CURTIS. Is he one of the men that got out of the car?

Mr. PETERS. Yes, sir.

Senator CURTIS. And is the other one you did not disclose the other man that got out of the car?

Mr. PETERS. Yes.

The CHAIRMAN. You know the names of both of them. Smith was one. Who was the other one?

Mr. PETERS. Marston.

The CHAIRMAN. Bobby Marston.

Mr. PETERS. Yes.

The CHAIRMAN. They are the two that got out of the car?

Mr. PETERS. Yes, sir.

The CHAIRMAN. Did you see them go to the truck?

Mr. PETERS. No, sir; I didn't see them. They went out of my sight after they got out of the car.

The CHAIRMAN. You knew what you were there for?

Mr. PETERS. Yes, sir.

The CHAIRMAN. You knew the sirup was in the car?

Mr. PETERS. Yes, sir.

The CHAIRMAN. Did they take a can of sirup with them when they left the car?

Mr. PETERS. Yes, sir.

The CHAIRMAN. So you know if it was done at that time they were bound to be the ones that did it?

Mr. PETERS. Yes, sir.

Senator CURTIS. How much sirup does it take for a truck?

Mr. PETERS. I don't know actually what it does to it other than it stops them.

Senator CURTIS. How big a container did he use?

Mr. PETERS. A quart.

Senator CURTIS. Just a quart?

Mr. PETERS. Yes.

Senator CURTIS. Where did they buy the stuff?

Mr. PETERS. In grocery stores.

Senator CURTIS. Do you know where they bought it on this particular occasion?

Mr. PETERS. No, sir, I know just a grocery store. I don't remember actually where it was. It was either in Charlotte, maybe Asheville.

The CHAIRMAN. All right. Proceed to the next item.

Mr. KENNEDY. That was one you participated in. Did you participate in the siruping of any other trucks?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. What other company?

Mr. PETERS. Johnson Motor Line.

Mr. KENNEDY. When was that, approximately?

Mr. PETERS. I guess that was in February or maybe March of 1955. I don't remember the exact dates.

Mr. KENNEDY. Tell us about that.

Mr. PETERS. Yes, sir. Johnson was having some labor difficulties.

Mr. KENNEDY. With 327?

Mr. PETERS. Yes, sir. And they got sirup poured in one of their trucks that I know of. I think it was in Monteagle, Tenn.

Mr. KENNEDY. How did you participate in it?

Mr. PETERS. I actually did the pouring that time.

Mr. KENNEDY. How much did you pour in that?

Mr. PETERS. One quart.

Mr. KENNEDY. Who were with you?

Mr. PETERS. W. A. Smith and Perry Cannady.

Mr. KENNEDY. He was the business agent for 327?

Mr. PETERS. Yes.

Mr. KENNEDY. At whose instructions or whose direction did you pour that sirup in the truck?

Mr. PETERS. I guess W. A. Smith would have been.

Mr. KENNEDY. Did you drive over there?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Was it at night?

Mr. PETERS. Yes, sir.

Senator CURTIS. Do they put that in the same place you pour in oil?

Mr. PETERS. Yes, sir.

Senator CURTIS. Who raised the hood this time?

Mr. PETERS. I don't remember, sir.

Senator CURTIS. Have you ever been asked?

Mr. PETERS. No, sir. This is something the first time that anything has been said about that.

Senator CURTIS. Never been arrested for that?

Mr. PETERS. No, sir.

Mr. KENNEDY. Did you participate at all in any more sirupings?

Mr. PETERS. Yes, sir, two more times, one with Motorrent Corp. and one with Tennessee-Carolina Transport.

Mr. KENNEDY. What happened to Motorrent?

Mr. PETERS. The same thing that happened at Johnson.

Mr. KENNEDY. Did you pour the sirup at that time?

Mr. PETERS. I don't remember whether I did or not.

Mr. KENNEDY. Who were you with then?

Mr. PETERS. W. A. Smith.

Mr. KENNEDY. How many trucks were siruped?

Mr. PETERS. One.

Mr. KENNEDY. Were you there under his direction and supervision?

Mr. PETERS. I went with him, I imagine.

Mr. KENNEDY. You did the pouring?

Mr. PETERS. I don't remember, sir, whether I did or not.

Mr. KENNEDY. But only one truck was siruped at that time?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Do you know what period of time that was?

Mr. PETERS. That was approximately the same time of the Johnson incident.

Mr. KENNEDY. And the other one was Tennessee-Carolina again?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. When was that?

Mr. PETERS. I think that was in January. It could have been in December or January.

Mr. KENNEDY. Where did that take place?

Mr. PETERS. In Nashville.

Mr. KENNEDY. Who was with you then?

Mr. PETERS. I know two people. There were some more, but I don't know who they were.

Mr. KENNEDY. Who were the two people that you know definitely were there?

Mr. PETERS. W. A. Smith and Perry Canaday.

Mr. KENNEDY. How many trucks were siruped at that time?

Mr. PETERS. I don't remember exactly how many, sir. It was several of them.

Mr. KENNEDY. Did you participate yourself?

Mr. PETERS. Yes, sir; I think I poured sirup in two trucks.

Mr. KENNEDY. Who purchased the sirup?

Mr. PETERS. I think it was in the car in that instance when I got in the car.

Mr. KENNEDY. Were you ever present when any sirup was purchased?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. When was that?

Mr. PETERS. I bought the Motorrent sirup.

Mr. KENNEDY. Were you ever questioned in connection with these incidents?

Mr. PETERS. No, sir.

Mr. KENNEDY. You never were?

Mr. PETERS. No, sir.

Mr. KENNEDY. No law-enforcement agency ever questioned you at all?

Mr. PETERS. No, sir.

Mr. KENNEDY. In addition to the siruping did you take part in any of the breaking of windows?

Mr. PETERS. Yes, sir; two times.

Mr. KENNEDY. How many times?

Mr. PETERS. Twice.

Mr. KENNEDY. And you were convicted once; is that right?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Will you tell us about that first?

Mr. PETERS. We broke 2 windows in 2 barbershops.

Mr. KENNEDY. At whose instructions?

Mr. PETERS. Perry Canaday and myself. I don't think on that one I could put any more blame on him than on me.

Mr. KENNEDY. He was the business agent?

Mr. PETERS. Yes.

Mr. KENNEDY. Why did you break the windows of the barbershop? They were having difficulties at the time?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. With the barbers union?

Mr. PETERS. Actually they were barbershops that did not belong to the union. I don't think there were any difficulties at the time.

Mr. KENNEDY. Do you know who made the suggestion that you go break the windows?

Mr. PETERS. No, sir; I don't.

Mr. KENNEDY. Do you know how you happened to break the windows?

Mr. PETERS. That is another one of these things I have been trying to figure out for 3 years, what was a good excuse for it, and I could not think of any reason for something like that.

Mr. KENNEDY. Do you know who gave the instructions that the windows should be broken?

Mr. PETERS. No, sir; I don't know for sure.

Mr. KENNEDY. When was the second time you broke the windows?

Mr. PETERS. W. A. Smith and I broke one window.

Mr. KENNEDY. When?

Mr. PETERS. It was some time prior to the other one. It was in a 3-month period there, sir.

Mr. KENNEDY. Do you know why you did that?

Mr. PETERS. The same reason.

Mr. KENNEDY. Did Mr. Smith tell you that he wanted a barbershop window broken?

Mr. PETERS. I think possibly he did.

Mr. KENNEDY. You would not just go around and break barbershop windows if somebody didn't tell you?

Mr. PETERS. There has to be a purpose for it.

Mr. KENNEDY. Was that barbershop having difficulty with the union at the time?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Were you ever questioned in connection with that?

Mr. PETERS. No, sir.

Mr. KENNEDY. And you were with W. A. Smith?

Mr. PETERS. Yes.

Mr. KENNEDY. Now, on the second incident when you were arrested you were found guilty, were you?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. You were tried and found guilty?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Did you serve time in prison?

Mr. PETERS. Yes, sir; in jail.

Mr. KENNEDY. You were sentenced to 6 months in jail?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. What jail did you serve?

Mr. PETERS. Davis County Workhouse.

Mr. KENNEDY. Did you receive preferential treatment while in jail?

Mr. PETERS. Well, sir, any time there is not preferential but I didn't have to go out on work gangs.

Mr. KENNEDY. In comparison with the majority of other prisoners, did you and Mr. Canaday receive preferential treatment while in that jail?

Mr. PETERS. Yes, sir; I guess you could say that because it was more or less a blessing not to have to go out on those work gangs.

Mr. KENNEDY. You were not made to go out; is that right?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Did Mr. Canaday explain to you why you didn't have to go out with the other prisoners? Were they breaking rocks?

Mr. PETERS. Yes.

Mr. KENNEDY. Did he explain to you why you were not?

Mr. PETERS. He told me that somebody would keep us off them if it was possible.

Mr. KENNEDY. And that happened; is that right?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. And you worked inside the prison?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Now, while in jail did Mr. Canaday receive any money from the teamsters union?

Mr. PETERS. I heard he did. I never did see any of the actual money. I understood that he received some; yes, sir.

Mr. KENNEDY. He received the money from the teamsters while he was in jail?

Mr. PETERS. I understood he did. That is something I could not prove.

Mr. KENNEDY. Did you raise any question about his receiving money?

Mr. PETERS. Yes, sir. I heard he was. I thought if he could, I should, too.

Mr. KENNEDY. What were you told.

Mr. PETERS. I was told I was not on the payroll of the union so they could not put me on the payroll there.

Mr. KENNEDY. Who told you that?

Mr. PETERS. It was one of the business agents. I don't remember which one.

Mr. KENNEDY. One of the business agents of the teamsters union?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. So you yourself and Mr. Canaday were sentenced to jail for breaking windows in the barbership while that shop was having trouble with the barbers union. You were sentenced to jail, you received preferential treatment while in jail, and while in jail you understood Mr. Canaday received money from the teamsters union.

Mr. PETERS. I heard he did. I did not have anything to substantiate that; I just heard it.

Mr. KENNEDY. You had an attorney: did you not?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Who represented you in that case?

Mr. PETERS. Two attorneys. One of them represented us jointly, and then I had another one from my hometown for me personally.

Mr. KENNEDY. Who was the one that represented you jointly?

Mr. PETERS. Tom Osborne.

Mr. KENNEDY. Did you pay him?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. You paid him yourself?

Mr. PETERS. Part of it I did.

Mr. KENNEDY. What do you mean, part of it?

Mr. PETERS. He was attorney for both of us. I don't remember how much of it I paid. I think I paid some of it, though, sir. I don't remember how much. The other attorney was compensated by my family.

The CHAIRMAN. We will suspend for 2 or 3 minutes so counsel can receive a telephone call.

(Members present at the taking of the recess were Senators McClellan and Curtis.)

The CHAIRMAN. We will now proceed.

Mr. KENNEDY. By whom were you arrested in connection with the breaking of the windows? Do you remember any incidents or circumstances about that?

Mr. PETERS. I think it was the sheriff of Davidson County, Tom Cartright.

Mr. KENNEDY. Do you know if that was after an investigation by the police?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. Mr. Chairman, we have an affidavit bearing on that and we would like to put it in the record and I do not believe the witness has any firsthand knowledge regarding it.

The CHAIRMAN. The Chair will read into the record at this point and the reporter can check it for accuracy when he transcribes it, an affidavit from Paul E. Lever.

Do you know him?

Mr. PETERS. I think he was one of the county patrolmen that was investigating that, sir.

The CHAIRMAN. All right, the Chair will read the affidavit.

I, Paul E. Lever, who reside at 709 Stockell Street, Nashville, Tenn., freely and voluntarily make the following statement to LaVern J. Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor Management Field. No threat, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee.

Since the year 1952 I have been a patrolman working out of the sheriff's office in Nashville, Tenn. I am 46 years of age and a native of Nashville, Tenn.

On April 9, 1955, I was in my patrol car along with Patrolman Earl Crocker in the vicinity of Eighth Avenue South in Nashville, when I was stopped by 4 young men in their teens at approximately 11 or 11:30 p. m. in the evening. The boys were excited and told us that they had just seen within the past few minutes a couple of men in a car break some barbershop windows. The boys said they

were seated in their parked automobile on Eighth Avenue South, a short distance from Reed's barbershop, located at 1708 Eighth Avenue in Nashville when they saw a yellow convertible automobile pull up in front of Reed's barbershop; they saw some movement in the car and next they heard a noise like the breaking of glass. They followed the yellow car up Eighth Avenue and when only a few blocks from Reed's shop they saw this same yellow convertible parked in front of Bradford's barbershop, located at 1010 Eighth Avenue South, in Nashville. The boys stated they slowed their car up so they could get the license number of the yellow car. The boys said they got the license-plate number and kept repeating it as they proceeded on Eighth Avenue in search of a police officer.

Within a couple of minutes after the boys related their story to us we stopped a yellow Oldsmobile convertible which was still in the vicinity of the barbershops where the windows had been broken. There were two occupants in the car and they identified themselves as Perry Canaday and Sam Peters, of the teamster union.

They denied that they had anything to do with breaking windows. When we asked the boys if these were the 2 men seen at the 2 barbershops, the boys replied that they were certain the yellow convertible was the same car, but they did not see the 2 men who were in it well enough to identify them.

I released Cannady and Peters after the boys told me they could not identify the men in the car, and also because there was a discrepancy in reference to the license number on the car we stopped and the license number the boys gave us.

The license number the boys gave me was 1-D-41776 and the car that we stopped had a license number of 1-D-14776. I also told the boys that I knew Perry Cannady of the teamster union, and that I used to work with him and I never knew him to do anything like this. The boys then drove off, and as far as I was concerned the case was closed. I did not report the incident to the police department nor file a report on the case.

I did hear later that somehow the proprietors of the barbershops where the windows had been broken learned about the boys having some information about the incident and that they did talk to the boys. I also know that Peters and Cannady were convicted later for breaking the windows based on the testimony of the boys.

I did not receive a reprimand from my superiors for handling of the case, the sergeant and captain did tell me that if a case like this should occur again I should call headquarters for advice.

I have read the foregoing statement, and to the best of my knowledge it is true and correct.

(Signed) PAUL E. LEVER.

Witnesses:

JAMES MCSHANE.

LAVERN J. DUFFY.

Sworn to and subscribed before me this 19th day of August 1957.

(Signed) ROBERT D. HALL,

Chief Deputy Clerk, United States District Court, Nashville, Tenn.

The CHAIRMAN. Is that the kind of law enforcement they had down there at that time?

Mr. PETERS. Evidently it was part of it.

The CHAIRMAN. It was part of the kind that they had?

Mr. PETERS. Yes, sir.

The CHAIRMAN. So, notwithstanding you were stopped with Canaday immediately afterward, and the boys identified the car you were in, and he twisted or he took 4 and 1, and reversed them in the license number, he looked you over, and he said, "Well, the case is closed; go ahead." Is that right?

Mr. PETERS. Yes, sir.

Senator CURTIS. How long did Mr. Lever detain you and Canaday that night?

Mr. PETERS. Approximately 30 minutes.

Senator CURTIS. Did he search the car?

Mr. PETERS. Yes, sir.

Senator CURTIS. Did he find anything?

Mr. PETERS. No, sir.

Senator CURTIS. The rocks were all gone?

Mr. PETERS. Yes, sir.

Senator CURTIS. Did he ask you if you had broken those windows?

Mr. PETERS. They didn't say anything to me hardly at all. I think that they talked to Cannady. They didn't say anything to me.

Senator CURTIS. He knew Cannady?

Mr. PETERS. I understood he did; yes, sir.

Senator CURTIS. You were interrogated separately, then?

Mr. PETERS. Later we were.

Senator CURTIS. I mean that night.

Mr. PETERS. No, sir; we were not interrogated at all.

Senator CURTIS. Well, you were detained 30 minutes, and where was this?

Mr. PETERS. On Eighth Avenue in Nashville.

Senator CURTIS. Well, now, where were you when he was talking to Canaday?

Mr. PETERS. I was standing in the near vicinity, and I was standing there.

Senator CURTIS. He did not ask you much of anything?

Mr. PETERS. Not too much, as I remember.

Senator CURTIS. Did you overhear what he asked Canaday?

Mr. PETERS. I don't remember, sir.

Senator CURTIS. Did you overhear what Canaday said to him?

Mr. PETERS. The biggest thing that was said, they looked at the license number and it was not the number that the boys had given, so they took us back up and the boys could not identify us as the ones they saw that did this and the boys said they could not say whether it was us or someone else. So we went on home.

That was about the biggest part of the conversation as I remember it.

Senator CURTIS. Is this man Lever still working as an officer of the law?

Mr. PETERS. I don't know.

Senator CURTIS. I want to ask you, why were you breaking barber-shop windows?

Mr. PETERS. Sir, I think I said a few minutes ago. I have been trying to find an explanation for about 7 things I did there in a 3- or 4-month period.

Senator CURTIS. I am not talking about your individual conduct. I am aware that you regret this, but why was anybody breaking barbershop windows?

Mr. PETERS. Because those barbers did not belong to the union, I think, sir.

Senator CURTIS. Does that give someone the right to break windows?

Mr. PETERS. No, sir; it does not.

Senator CURTIS. If someone does not belong to the church or a fraternal organization that I would like to have him belong to, should I go around and throw rocks in his windows?

Mr. PETERS. No, sir, I don't see any excuse for it or any reason at all, now, and I can't think of any reason to use for when it happened.

Senator CURTIS. When did you first know you were going to go out and break barbershop windows?

Mr. PETERS. Early that evening.

Senator CURTIS. Did you talk to anybody in the barber's union?

Mr. PETERS. No, sir, just Canaday and myself.

Senator CURTIS. Just Canaday?

Mr. PETERS. Yes, sir.

Senator CURTIS. It was his scheme?

Mr. PETERS. Yes, sir.

Senator CURTIS. You did not originate the idea of breaking barbershop windows?

Mr. PETERS. No, sir. I don't think that I can get all of the blame off myself, and I think that he said he was going to and I voluntarily went with him, and he used no duress or anything to get me to go with him.

Senator CURTIS. Over how long a period of time did you know this man Canaday?

Mr. PETERS. I knew him from other than to know just who he was, from about the middle of November of 1954 up until the first of this year.

Senator CURTIS. Did you ever know him to carry a gun?

Mr. PETERS. I know that he had one and I don't know—it is possible he might have carried it in his car and I don't think I have ever seen him carry it on his person.

Senator CURTIS. It is possible he carried it in his car?

Mr. PETERS. Yes, sir. I know he owned one.

Senator CURTIS. Did he ever refer to it in conversation?

Mr. PETERS. Yes, sir, I think that I have heard him speak of it.

Senator CURTIS. Did he ever say what he used it for?

Mr. PETERS. No, sir.

Senator CURTIS. You have never seen him use it?

Mr. PETERS. No, sir.

Senator CURTIS. That is all.

Mr. KENNEDY. You have spoken of the 3 or 4 instances siruping and the 2 instances of breaking of the barbers' windows and did you also participate in slashing of tires?

Mr. PETERS. Yes, sir, one time.

Mr. KENNEDY. When was that?

Mr. PETERS. I don't remember.

Mr. KENNEDY. Early in 1955?

Mr. PETERS. Yes, early in 1955 and the B. and S. Motor Lines and there were, I think—or I know that Smith was in the crowd and I don't remember for sure if Cannady was or not, and I know or I think there was five people, but I couldn't say for sure other than myself and Smith. I don't remember if Cannady was in the crowd or not.

Mr. KENNEDY. At whose suggestion did you go along that time?

Mr. PETERS. W. A. Smith.

Mr. KENNEDY. And the B. and S. Motor Co. was having difficulties with the teamsters union at the time?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. How many tires did you slash?

Mr. PETERS. It was more than 2 or 3, but I don't know the extent.

Mr. KENNEDY. How did you slash them?

Mr. PETERS. They used knives on them and I didn't slash any of them, and I was in the automobile.

Mr. KENNEDY. You did not do any of it yourself?

Mr. PETERS. No, I was driving.

Mr. KENNEDY. Where was it?

Mr. PETERS. In Nashville.

Mr. KENNEDY. At specifically where; at their depot?

Mr. PETERS. I think it was at their depot; yes, sir.

Mr. KENNEDY. Now, has any representative of any law enforcement group in Tennessee contacted you and questioned you about any of these events?

Mr. PETERS. No, sir.

Mr. KENNEDY. Has anybody questioned you or any representative of any law-enforcement agency in Tennessee questioned you at all about any information you may have had about W. A. Smith, or Mr. Canaday?

Mr. PETERS. Yes, sir, one time, about the time we were arrested for breaking the barbershop windows, and I declined to answer any questions.

Mr. KENNEDY. Other than that, have they ever questioned you?

Mr. PETERS. No, sir.

Mr. KENNEDY. Since you have been out of prison and settled in Ohio, they have not questioned you?

Mr. PETERS. No, sir.

Mr. KENNEDY. So you have not been requested to give this information that you have regarding these people who are still officials of the teamsters union in Nashville, Tenn.?

Mr. PETERS. Yes, sir.

Mr. KENNEDY. And no higher official of the teamsters union has ever requested any of the information that you might have regarding Mr. Cannady or Mr. Smith, is that right?

Mr. PETERS. That is right.

Mr. KENNEDY. Did Smith go by any other name, other than W. A. Smith?

Mr. PETERS. "Smitty."

Mr. KENNEDY. Did he have a hearing aid?

Mr. PETERS. Yes, he had a hearing aid. The newspapers referred to him once or twice as "Dummy" but I don't think anybody that knew him would call him that to his face.

Senator CURTIS. Your life has been considerably scarred by the fact that you fell in with such people as Canaday and these other teamster leaders, has it not?

Mr. PETERS. Yes, sir.

Senator CURTIS. As you look at it now, you would have been happier if you had never met any of them?

Mr. PETERS. Yes, sir, I would have been many times happier and it has caused me more than you can imagine, I think.

Senator CURTIS. That is true of other people, is it not?

Mr. PETERS. Yes, sir.

Senator CURTIS. And you would have been better off if you had been in a community that in the very first instance there had been thorough and unbiased and vigorous law enforcement, would you not?

Mr. PETERS. Yes, sir.

Senator CURTIS. It would have brought these things to an end sooner; would it not?

Mr. PETERS. That is, since 1953 or 1954, it would have saved a lot of people a lot of headaches and a lot of people trying to run businesses a lot of money.

Senator CURTIS. I agree with you. I think the responsibility is right on local officials for tolerating a gangster war like this.

Mr. KENNEDY. Even the case in which you were convicted was actually solved through the efforts of the employers themselves; isn't that right?

Mr. PETERS. Yes, sir; those and the attorney general's office.

Mr. KENNEDY. Now, Mr. Chairman, I would like to say in connection with this witness, that we have contacted his employer and told him of his cooperation with the committee and he has been of help and assistance to the committee since the beginning of this investigation and he has assured us that he will be retained in his present position as he has changed his life and he is trying to make a complete reformation.

We have an affidavit here, in connection with Mr. Canaday receiving money from the teamsters while in prison with him.

The CHAIRMAN. Without reading it, I am going to insert it in the record at this point. This is from William Rowland Canaday, the brother of Perry Canaday. It can be inserted in the record at this point as a part of the evidence.

I, William Rowland Canaday, who resides at 110 28th Avenue, South, Nashville, Tenn., freely and voluntarily make the following statement to LaVern J. Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor Management Field. No threats, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee:

I am a brother of Perry Hartman Canaday, who is a business agent for local 327, teamsters union, Nashville, Tenn. For the past 10 years I have been a member of the teamster local here in Nashville, and I am currently employed as a warehouseman at the T. I. M. E. Trucking Co., Inc., here in Nashville, Tenn.

On July 24, 1956, my brother, Perry Canaday, was convicted for breaking windows of a nonunion barbershop in Nashville, Tenn., and sentenced to the Davidson County Workhouse for a period of 6 months.

Shortly after my brother, Perry Canaday, was confined to the workhouse, I visited him. At that time he requested me to stop by the teamsters office in Nashville and pick up some money for him, and after I received the money I was to turn it over to his wife, Nora A. Canaday, who resides at Joseph Avenue, East Nashville, Tenn.

Following his instructions I visited the teamster headquarters building and talked with Ed Smith, secretary-treasurer of the local. I asked Mr. Smith if he had any money for my brother, Perry Canaday. Mr. Smith advised me to return in a day or two; in a couple of days I did return to his office and he handed to me an envelope containing in the neighborhood of \$200 in cash. He did not give me any instructions as to what disposition I was to make of this money.

Shortly thereafter I handed the money over to Perry Canaday's wife, Nora A. Canaday. Each month, subsequently, during the period of my brother Perry's confinement in the workhouse, I visited the teamster headquarters and was handed by Ed Smith an envelope containing cash. The amount that I received on each one of these visits always was in the neighborhood of \$200 with the exception of the amount that was handed to me at Christmas when an additional \$50 was enclosed in the envelope. On my visits to the teamster headquarters, I

sometimes talked to Don Vestal, president of the local, in reference to the money for my brother; however, Ed Smith was always the one who handed me the envelope containing the cash.

At no time during the period that I received this money from the teamsters union did I hand this money over personally to my brother, Perry; I always handed the money over to his wife, Nora Canaday.

I might add when I first visited my brother in the workhouse he told me it was against regulation for him to have in his possession a large amount of money. Thus, he told me when I received the money to hand it over to his wife, which I did.

I have read the foregoing statement, and to the best of my knowledge it is true and correct.

(Signed) WILLIAM ROLAND CANADAY.

Witnesses:

LAVERN J. DUFFY.

LUCY C. TERRELL.

Sworn to and subscribed before me this 6th day of August 1957.

(Signed) NETTIE F. KUISEY, *Notary Public*.

My commission expires November 27, 1960.

Mr. KENNEDY. This reflects, Mr. Chairman, that Mr. Canaday was paid by the teamsters union while he was in jail for the throwing of the rocks through the barbershop windows.

The CHAIRMAN. Mr. Peters, the Chair made some observations when the previous witness left the stand this morning. I think there is just as much obligation and certainly it is much more pleasant when the man comes before this committee or a witness comes before this committee and tells the truth and tells what he knows and when he has done wrong, admits it.

I think we ought to be just as quick or quicker to praise and commend people for doing right as we are to condemn people who do wrong. You have the thanks of this committee, and I think that you have the thanks and the appreciation of all good, decent citizens in this country.

You made a mistake and you have repented of it and you regret it and you want to live a life now that is exemplary and that will show that you have seen the error of your ways and that you want to do right and have the respect and esteem of your fellow men.

I commend you highly and I thank you.

Mr. PETERS. Thank you very much, sir.

Mr. KENNEDY. I would like to recall Mrs. Freels back on the stand.

TESTIMONY OF MRS. LOLA FREELS—Resumed

The CHAIRMAN. Mr. Kennedy, you may proceed.

Mrs. Freels has been previously sworn and identified.

Mr. KENNEDY. Now, Mrs. Freels, you were testifying this morning regarding a telephone conversation to Nashville when Mr. Reynolds was having some difficulty with Mr. Evans of his union. There was a telephone call made to Nashville, Tenn., and thereafter, a stranger arrived on the scene and came into the headquarters in Knoxville; is that correct?

Mrs. FREELS. That is right.

Mr. KENNEDY. He came into the headquarters in Knoxville with Mr. W. A. Smith?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Now, could you tell us, did you see him around the office much that day?

Mrs. FREELS. Yes, sir, he sat in the office with me and in fact he sat in the corner and of course there wasn't anybody in there but just this boy and I. I talked to him and I believe he discussed a few things about his child or his children, and I don't remember whether there was 1 or 2.

I wondered why he came in with "Hard-of-Hearing" Smith and I believe Mr. Smith introduced him to me, but not by the name of Ellis. It was another name that I don't recall.

Mr. KENNEDY. Was it ever explained to you as to why he was staying in the office?

Mrs. FREELS. No, sir.

Mr. KENNEDY. That he was there to see anybody; did you ever have that explained to you?

Mrs. FREELS. No, sir; not that day.

Mr. KENNEDY. Did you subsequently?

Mrs. FREELS. I found out the following day, Mr. Evans came to the window and his eyes were all blackened and his nose looked like it was broken and so I was sympathizing with him and I thought, well what happened to him.

I asked Mr. Evans what happened and he said that his wife beat him or something. But she was such a small, little lady that I didn't believe that. I studied about it, and so he said, "Lola, was there a stranger in town yesterday from Nashville or anywhere?"

And at that moment it just did not register with me that he was talking about this particular boy and I said, "No, not that I know of, Eugene." And then, after I looked down at the floor a minute, I said, "Yes; there was a boy in here, but I don't know what he was here for. I don't know his name, but he was a blond-headed fellow and he is sort of the athletic type."

And he said, "Well, that is the one that hit me when I got off the bus." I said, "Well, did you hit him back?" and he said, "No; he knocked me down and he stomped me, and I didn't realize what was happening." And he told me something about there was a car waiting and this boy got into the car and he drove off.

Mr. KENNEDY. Now, did you recognize the gentleman here this morning who testified?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. And he refused to answer questions.

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Did you identify him as the same individual that came to your office that day?

Mrs. FREELS. Yes, sir; he has lost a little weight since then.

Mr. KENNEDY. He has lost a little weight?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. But it was the same individual?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. There is no question in your mind about that?

Mrs. FREELS. No.

Mr. KENNEDY. Did you in fact pick him out in the hallway prior to coming in here this morning?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. As the same individual that came in and sat in your office and who was later identified through a physical description by Mr. Evans as the individual who had beaten him up?

Mrs. FREELS. Yes, sir; that is right.

Mr. KENNEDY. Now, Mrs. Freels, we have also had some testimony before the committee regarding the siruping of trucks. Did you ever hear any conversations regarding that matter in your office? Was there any conversation regarding the siruping of trucks with companies with whom the union was having a dispute?

Mrs. FREELS. Yes, sir. I heard something about Huber & Huber Motor Express.

Mr. KENNEDY. That was a strike that was taking place in Knoxville, in 1955?

Mrs. FREELS. I can't give you the date on that, but it was the time that Robert Evans was fired.

Mr. KENNEDY. I believe it was about August of 1955, but would you tell us what happened and we will have the date in a few minutes. But would you tell us what conversation you overheard regarding the siruping of the trucks of Huber & Huber?

Mrs. FREELS. I know Mr. Evans was terminating and the union went through different channels to try to get him back and they could not persuade the company to take him back. I know that the business agents contacted Mr. Clint Huff.

Mr. KENNEDY. I am interested in the siruping aspect of it. Could you give us that?

Mrs. FREELS. Well, Mr. Perry, Charles Perry and W. J. Reynolds were in the office one afternoon discussing that they had to go out on a little trip that night and that they had to put some sirup in some trucks and the discussion was, I don't remember everything in detail, but the conversation was that Mr. Reynolds would stay in the restaurant and talk to the drivers while the sirup was being poured into the place where the oil is.

He said something about that would give the truck a chance to run until it would stop for a little while, and then it wouldn't run any more.

Mr. KENNEDY. Did you hear any other further conversations about that incident? Did you have any conversations with Mr. Reynolds himself about it?

Mr. FREELS. No; I was sort of feeling Mr. Perry out, after that, and he said, "What do you know about that?" and I said, "Well, I just know what Mr. Reynolds said," and he said, "If he doesn't keep his big mouth shut, he is going to bet us both in the pen."

Mr. KENNEDY. Mr. Reynolds told you in the first part that it was his job to keep the drivers occupied in the conversation while the other gentleman put the sirup in the trucks; is that right?

Mrs. FREELS. That is right.

Mr. KENNEDY. Who was going to put the sirup in the trucks?

Mrs. FREELS. He didn't tell me.

Mr. KENNEDY. But in the conversation you had with Mr. Payne, who was a business agent, he said, if Mr. Reynolds doesn't keep his mouth shut he will "get us both in the pen." is that right?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Now, Mr. Chairman, we have in that connection the affidavits of two truck drivers who were engaged in conversation with Mr. Reynolds at a restaurant, and an hour after they pulled out of the restaurant they found that their trucks had been siruped.

Mr. Reynolds, according to their conversation, kept them in conversation during this period of time.

The CHAIRMAN. I will read the facts of the affidavit without the formalities of it. This is an affidavit from Leon Mays. The entire affidavit may be printed in the record at this point.

I, Leon Mays, 1210 East Louisiana Avenue, Knoxville, Tenn., telephone 2-7602, freely and voluntarily make the following statement to James McShane who has identified himself to me as a member of the staff of the United States Senate Committee on Improper Activities in the Labor or Management Field. No threat, force, or duress have been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of the statement to the aforementioned Senate select committee.

On or about August 30, 1955, I was working for Huber & Huber Trucking Co., Knoxville, Tenn., I made a stop at Grindstaff's, about 30 miles south of Knoxville, to get a cup of coffee. After I had my coffee, I came out of the restaurant and saw William J. Reynolds, business agents, Teamsters Union, Local 621, Knoxville, Tenn.

He was talking to another Huber driver. I saw his black Cadillac parked nearby with an unknown man behind the steering wheel. I saw that Reynold's Cadillac right rear tire was flat and told him so. He told me he was going to Ox-Bo Restaurant and gas station which is about 4 miles down the road from Grindstaff's to have it repaired. I told Reynolds it was closed and he might as well change it now.

I got back into my truck and drove for about 1 hour when the truck suddenly bolted upward, in the middle of the road, and completely stopped. It had to be towed away by a wrecker. Later on I was informed that the truck motor had been siruped.

(Signed) LEON MAYS.

Witnesses:

JAMES McSHANE.
PARIS E. HOLLIERT.

Sworn and subscribed to before me this 15th day of November 1957.

(Signed) ISAAC GREEN.

My commission expires April 23, 1960.

I, James Church, Route 3, Concord, Tenn., telephone 8-4513, freely and voluntarily make the following statement to James McShane who has identified himself to me as a member of the staff of the United States Select Committee on Improper Activities in the Labor or Management Field. No threat, force, or duress have been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of the statement to the aforementioned Senate select committee.

I have been employed by Huber & Huber for almost 7 years as a truckdriver. On or about August 30, 1955, I was en route from Knoxville, Tenn., to Atlanta, Ga., with a cargo. As is customary, I made a stop at Grindstaff's which is a truck stop at Greenback, Tenn., about 30 miles south of Knoxville.

I parked the truck and went inside. I was the first trucker in the restaurant. About 15 minutes later W. J. Reynolds, business agent, Teamsters Union Local 621, Knoxville, came in and sat down and started talking to me.

Shortly thereafter, some more Huber & Huber drivers came in and sat down with us. Reynolds seemed to be doing most of the talking. After I got through eating I left them and got into my truck and started.

At Choates Truck Stop, about 65 miles from Grindstaff's Drive-in, I made another stop. When I came out I could not start my truck. Later on I learned the truck had been siruped.

Now, looking back at it, it seems to me that Reynolds was in there that night for the purpose of keeping us there by entertaining us with stories.

(Signed) JAMES CHURCH.

Witnesses:

JAMES McSHANE.

PARIS E. HOLLIERT.

Sworn and subscribed before me this 15th day of November 1957.

(Signed) ISAAC GREEN, *Notary Public*.

My commission expires April 26, 1960.

MR. KENNEDY. Now, did you ever hear or know or have any information regarding the actual purchase of sirup?

MRS. FREELS. Yes, sir. I had; I believe I kept two bills, where sirup was purchased at one of the stores in Knoxville.

MR. KENNEDY. That was in 1956?

MRS. FREELS. I believe one was 1955.

MR. KENNEDY. One was 1955, and the other was 1956; is that right?

MRS. FREELS. Yes, sir.

MR. KENNEDY. On whose instructions did you make the purchases?

MRS. FREELS. The bill was brought to me, and when I put it in petty cash, I asked what the bill was for, and so I could put it down, and Mr. Reynolds on the one in 1955, he made the statement that sirup was bought, and I, in turn, checked with the store and found out it was sirup.

MR. KENNEDY. How much was the sirup—how much per can?

MRS. FREELS. Fifty-five cents per half gallon.

MR. KENNEDY. Were there any other purchases made?

MRS. FREELS. Yes, sir; 3 sugars and 5 pounds, and three 5-pound bags.

MR. KENNEDY. They purchased the sugar and the sirup; is that right?

MRS. FREELS. Yes, sir.

MR. KENNEDY. They purchased quite a number of these cans of sirup; is that correct?

MRS. FREELS. Yes, sir; I had the two bills to keep.

MR. KENNEDY. On the one purchase in 1955, they purchased quite a number of cans of sirup; did they?

MRS. FREELS. Yes, sir.

THE CHAIRMAN. The Chair hands you here a card or memorandum with a cash-register ticket attached and asks you to examine them and state if you identify them, and what they are.

MRS. FREELS. Yes, sir; this is the bill for the sirup and the sugar.

THE CHAIRMAN. What does it total?

MRS. FREELS. \$8.22, including tax.

THE CHAIRMAN. Who paid that bill?

MRS. FREELS. It was paid out of petty cash.

THE CHAIRMAN. By whom?

MRS. FREELS. Well, I gave the money out.

THE CHAIRMAN. You paid the money out of the petty cash to whom?

MRS. FREELS. To Mr. Reynolds.

THE CHAIRMAN. You gave the money to Mr. Reynolds?

MRS. FREELS. Yes, sir.

THE CHAIRMAN. That is what he turned in to get reimbursed out of petty cash?

MRS. FREELS. Yes.

The CHAIRMAN. That may be made exhibit No. 8.

(Document referred to was marked "Exhibit No. 8" for reference and will be found in the appendix on p. 7502.)

Mr. KENNEDY. That was the teamsters' petty cash; was it not?

Mrs. FREELS. Teamsters petty cash.

Mr. KENNEDY. You said there was a second purchase in 1956?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. I hand you what appears to be a photostatic copy of cash expenditures for the month of August 1956 and ask you to examine an item that has been indicated here in red, apparently on the third day of the month, August 1956. The items total I believe some \$39.35.

Will you examine this document and state if you identify it and also if you have any information regarding the item that is marked in red.

Mrs. FREELS. Yes, sir. The \$5.35 was sirup. That is during the time Newman-Pemberton was on strike. I don't have any information that sirup was bought for the truck but assuming Newman & Pemberton being on strike that is about the only place it could have gone.

The CHAIRMAN. They did not serve any sirup down there to eat; did they?

Mrs. FREELS. No, sir.

The CHAIRMAN. So it was not used there.

Mrs. FREELS. No, sir.

The CHAIRMAN. All right. That item may be made exhibit No. 9. (Document referred to was marked "Exhibit No. 9" for reference and may be found in the files of the select committee.)

The CHAIRMAN. The total amount of the item was \$39.35; is that correct?

Mrs. FREELS. That's right.

The CHAIRMAN. I present to you now a photostatic copy of a check dated August 3, 1956, made payable to cash in the amount of \$39.35, signed by W. J. Reynolds as president, and Hubert L. Payne, financial secretary and treasurer of chauffeurs, teamsters, and helpers, local union No. 621, drawn on the Tennessee Valley Bank, Knoxville, Tenn., and ask you to examine that photostatic copy and see if you identify that check.

Mrs. FREELS. This is the one for the sirup and the sick dues on August 3.

The CHAIRMAN. That is in payment of the item entered in the cash book; is it not?

Mrs. FREELS. That's right.

The CHAIRMAN. That may be made exhibit No. 10.

(Document referred to was marked "Exhibit 10" for reference and will be found in the appendix on p. 7503.)

The CHAIRMAN. By whom is that check endorsed on the back?

Mrs. FREELS. Teamsters local 621.

Mr. KENNEDY. Now I want to ask you as a general proposition, when the local in Knoxville was having difficulty, there was some problem, would it make any telephone calls to the locals in Nashville or Chattanooga?

Mrs. FREELS. Yes, sir. If a company was out on strike they usually stayed out a week or so. After that the local was not financially able

to support those men, to give them their wages, and they in turn would call different locals and ask them to send somebody in to help out on the strikes. Then after this would occur, after the people would come in, whoever they called, you could always pick up the paper the next morning or so and see where we had a violence.

Mr. KENNEDY. So there would be a telephone call. There would be some difficulty you would have with a company. A telephone call would be made to the local in Nashville or the local in Chattanooga, that 1, 2, or several individuals would come up there to Knoxville and within 1 or 2 or several days you would have violence; is that right?

Mrs. FREELS. That's right.

Mr. KENNEDY. That was a procedure that followed invariably over a period while you were with the teamsters union?

Mrs. FREELS. Yes, sir; that's right.

Mr. KENNEDY. Who would be the person usually called in Nashville?

Mrs. FREELS. In Nashville, W. A. Smith, Hard Hearing Smithy.

Senator CURTIS. Who would place the calls?

Mrs. FREELS. Sometimes I would place the call.

Senator CURTIS. Who would talk on them?

Mrs. FREELS. Mr. Reynolds or Mr. Payne.

Senator CURTIS. Mr. Payne is secretary-treasurer?

Mrs. FREELS. Secretary-treasurer.

Senator CURTIS. Mr. Reynolds is the president?

Mrs. FREELS. President and business agent.

Senator CURTIS. To your knowledge are they still the officers of that union?

Mrs. FREELS. Mr. Payne is still there. Mr. Reynolds is not there.

Mr. KENNEDY. Who would they get from Chattanooga?

Mrs. FREELS. Glenn Smith.

Mr. KENNEDY. What was his position in Chattanooga?

Mrs. FREELS. It is my understanding he was a business agent there. I think he came from Florida to Chattanooga.

Mr. KENNEDY. According to our records he was business agent as well as president of local 515 of Chattanooga.

Mrs. FREELS. I think he was business agent.

Mr. KENNEDY. And also president of the Teamsters Joint Council, No. 87?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Would Glenn Smith come up to Knoxville and would there be violence that would follow his arrival in Knoxville?

Mrs. FREELS. Yes, sir, he would usually come in late in the afternoon and usually the next morning we would see something in the paper.

Mr. KENNEDY. Now specifically we had some testimony from a gentlemen this morning, the last witness who testified this morning, regarding the dynamiting of his automobile which was outside his home, with the result that his wife and children were thrown out of bed and his wife suffered a great deal for a period of 4 or 5 months following. Was there any discussion in the headquarters regarding that matter of this car being dynamited belonging to this man working for Purity Packing Co.?

Mrs. FREELS. Yes, sir, I remember very distinctly. I mean this one stays with me because Glenn W. Smith called on the telephone that afternoon. I asked who was calling. He told me it was none of my business—only he put another word in front of it. So I finally let him talk to Mr. Payne. I was curious to know who was calling. So he talked to Mr. Payne. They laughed and talked awhile. After he finished I walked into Mr. Payne's office and asked him who was calling. He said, "Lola, that was Glenn Smith from Chattanooga." I told him what Mr. Smith said.

He said, "Aw, he was just kidding you. He didn't mean that."

Then I know the next day we were looking at the paper and saw in there about this car being blown up. I said, "Well, that is a shame they would blow up that poor boy's car. That's the only car he has."

Mr. Reynolds said: "Aw, the old car was not worth anything. He didn't lose much."

I said, "Yes? That car means as much to him as that Cadillac means to you." So he sort of laughed about it.

I said, "I can't understand why people do such things." He said, "Do you believe everything that comes out in the paper?"

I said, "Well, I believe just about all of it." I said, "Surely they would not print something they shouldn't."

He said, "Now, that is not so about blowing the lady out of bed, because I was so many feet away from there when it happened," and he gave me the amount of feet, but the amount I don't remember.

He said, "I was so many feet away from there and I know that the explosion wasn't hard enough to blow her out of the bed."

Mr. KENNEDY. He told you that on the day following the dynamiting; is that right?

Mrs. FREELS. Yes, sir, after it came out in the paper.

The CHAIRMAN. This occurred last year?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. October 26, 1956.

The CHAIRMAN. I don't know. I doubt if the statute of limitations has run against it. I am not familiar with the Tennessee law. Would you be willing to testify before a jury in Tennessee just what you testified here?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Well, I think there will be a little bit of public interest directed toward that area in Tennessee and the officials down there to see what action they take after this testimony has become known. You have never been interrogated about it, nobody down there has ever tried to find out anything from you about what you knew about it, have they?

Mrs. FREELS. No, sir.

The CHAIRMAN. As Senator Curtis has said, and we all recognize, the Federal Government cannot do everything in this field but if local law-enforcement officers will do their duty instead of getting under the thumb or heel, as it may be, of some of these racketeers, it would stop a lot of this in the country.

Mrs. FREELS. I heard the statement made in the office that the union members there where I am from would endorse their candidates and put them in office.

The CHAIRMAN. Would what?

Mrs. FREELS. Endorse their candidates and put them in office.

The CHAIRMAN. In other words, some political arrangement precedes this neglect of duty on the part of the officers.

Mrs. FREELS. That is my understanding.

The CHAIRMAN. In other words, they get elected, they are under obligation to the union so that they do not pursue the enforcement of the law when the union is involved or its members. In other words, the union, its racketeering element, its thugs, and the goons can feel pretty free to go out in that area down there and beat up people, blow up their cars, blow women out of their beds with dynamite, just carry on a reign of terror, with almost complete immunity from arrest or from prosecution. Is that the condition that prevails down there?

Mrs. FREELS. Seemingly.

The CHAIRMAN. Seemingly is it? That is the way it seems from here, and you have been there, as you know.

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Thank you.

Mr. KENNEDY. Now you have told about Glenn Smith from Chattanooga coming up and this explosion in connection with this automobile and the conversation Mr. Reynolds carried on.

What about W. A. Smith? Can you give us any instances where he came from Nashville and there were explosions or dynamitings that took place and there was a conversation in the office of the teamster headquarters regarding that? What about in the warehouse outside Nashville? Can you tell us about that?

Mrs. FREELS. That was the Ajax Beer.

Mr. KENNEDY. Ajax Beer?

Mrs. FREELS. Ajax Beer Co. It is Ajax Beer Co. It was right after we had moved to the location at 311 Morgan Street.

Mr. KENNEDY. The teamsters were attempting to organize that at the time?

Mrs. FREELS. Yes, sir. They were trying to organize and the conversation was pro and con between Mr. Payne and Mr. Reynolds in the office that if they couldn't organize the place that they would blow them out of business.

Mr. KENNEDY. Did anybody say that?

Mrs. FREELS. Yes, sir; Mr. Reynolds.

Mr. KENNEDY. He said if they could not organize the place they would blow them out of business?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Was there any specific conversation regarding this?

Mrs. FREELS. I don't know what brought on the conversation but Mr. Reynolds said something about they put some dynamite under the building or in the building or somewhere, and said that they were cruising down the highway when they heard the explosion. I said, "Well, weren't you afraid they would stop you or something?" He said, "No, we were driving along just like anybody else." He said, "We didn't leave any evidence."

The CHAIRMAN. When was that dynamiting done?

Mrs. FREELS. It must have been in 1955, I believe.

The CHAIRMAN. I don't know the laws of the State of Tennessee but I am quite confident it is a felony and I doubt if the statute of

limitations has run against that offense. There is still a lot of work for the law-enforcement officers to do in that area, as I see it.

Mr. KENNEDY. Was there some conversation also regarding the Robinson Freight Co.? Do you remember any conversation?

Mrs. FREELS. Yes, sir. I know some tires were slashed there, but I don't know who did that, and there was some conversation in the office about one of the truck doors being slashed.

Mr. KENNEDY. Was there any conversation about the fact if they didn't come around they would be given a little party?

Mrs. FREELS. That was on Roddy Manufacturing Co.

Mr. KENNEDY. Roddy Manufacturing Co.?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. R-o-d-d-y?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. What conversation took place in connection with that?

Mrs. FREELS. Those boys were out on strike. Of course, to get them to come out the teamsters promised them this and that. Those boys came out. So after they stayed out a certain length of time, they call somebody in to help, and before they called, I believe they called a Smith from Chattanooga. I don't know his given name, but he was a dark-headed fellow.

Mr. KENNEDY. That is another Smith, from Chattanooga.

Mrs. FREELS. Yes, sir. Mr. Payne came to the edge of my desk and said "Well, we are going to have to give Old Man Roddy a little party if he does not sign that letter of recognition." I believe it was the following day that this Mr. Smith came in from Chattanooga and he went down; of course he talked to Mr. Roddy's attorney and they were old friends, and of course they signed the letter of recognition up on the side of the building.

Mr. KENNEDY. So it was all settled; the party was not necessary.

Mrs. FREELS. That is right.

Mr. KENNEDY. Did you ever hear them say they were going to give any judges down there a little party if they started issuing these injunctions?

Mrs. FREELS. Yes, sir, Judge Dawson.

Mr. KENNEDY. Why were they going to give him a party?

Mrs. FREELS. Because he issued an injunction on the J. F. G. Coffee Co.

Mr. KENNEDY. Who said they were going to give him a party?

Mrs. FREELS. Mr. Payne made that statement at the edge of my desk; but he is the quiet one—he does not say much. I mean he can't remember anything.

Mr. KENNEDY. What do you understand was meant when they said they were going to give these people parties.

Mrs. FREELS. It meant one thing. After working with the teamsters that long, even a parrot would know what they were talking about. They would eventually catch on.

Mr. KENNEDY. In your estimation, from the course of conversations you heard in the office, what was meant when they said they were going to give these companies, individuals, judges, a party?

Mrs. FREELS. It meant there was going to be a violence of some kind, either beating, dynamiting, or tire slashing or something.

Mr. KENNEDY. In the Newman-Pemberton strike in 1956, did you also hear some conversations in the office regarding the dynamiting of that company?

Mrs. FREELS. Yes, sir. The morning the paper came out, that morning Mr. Payne had the paper and he was laughing about it, I believe it was about part of the truck being in the tree, being up on something. He was laughing about it.

Mr. KENNEDY. Did Mr. W. A. Smith come up the night before on that?

Mrs. FREELS. Yes, sir; he was in town. He was laughing about that. He said, "Well, what is going to happen next? We are going to blow him sky high."

The CHAIRMAN. Did they blow a truck up in a tree, part of it?

Mrs. FREELS. Part of it.

The CHAIRMAN. It lodged up somewhere.

Mrs. FREELS. It lodged up. I don't know whether it was on a tree or a telephone pole. Anyway, I said, "How can they do that and nobody know anything about it?" Mr. Reynolds said, "Well, I don't know. They had a night watchman down there, and they also had a man on the picket line but neither one of them seemed to hear anything or see anything."

Mr. KENNEDY. The incident you have told us occurred the day following the evening of the arrival of W. A. Smith in town: is that right?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. This is another incident where Mr. Smith, either W. A. or Glenn Smith, was called into town and violence occurred shortly afterward.

Mrs. FREELS. That is right.

The CHAIRMAN. Where do they get their dynamite?

Mrs. FREELS. The only thing I know, Mr. Reynolds said they did not buy it in the town.

The CHAIRMAN. Said what?

Mrs. FREELS. Said they would not buy it in the city where they were located. He said they went outside to another city somewhere and purchased the dynamite.

The CHAIRMAN. He did not tell you which city?

Mrs. FREELS. No, sir.

The CHAIRMAN. Or from whom they purchased?

Mrs. FREELS. No, sir.

The CHAIRMAN. I just wondered when the Smiths came to town whether they brought a few sticks of dynamite along with them.

Mrs. FREELS. I don't know.

Senator CURTIS. Were there any financial transactions through your petty-cash handlings or otherwise that involved the payment for dynamite?

Mrs. FREELS. Yes, sir: there was one I remember, to Mr. Reynolds. He was discussing this with Mr. Hubert L. Payne about buying some dynamite and paying for it, and he was wanting his check. So Mr. Payne says—

Senator CURTIS. Who had purchased it?

Mrs. FREELS. Mr. Reynolds. So I was listening because I wanted to see who bought the dynamite and all about it. So I went to the

door and just as I started to get up, they closed the door but I still could hear through the crack. So Mr. Payne said, "I don't remember a thing about you buying any dynamite." He said, "It just slipped my mind." But he said, "If you say you bought it, go on in there and get your check." So Mr. Reynolds came in where I was and said, "Lola, write me a check." I said, "For what?" He said, "Well, some dynamite I bought. I paid for it out of my own money." He said, "That crazy Payne; he does not seem to remember a thing."

I wrote the check, which was \$50, and I asked him what he wanted me to put down for it. He said, "Put organizing expenses on it."

The CHAIRMAN. Did you carry out the instructions?

Mrs. FREELS. You have to work with the teamsters local.

The CHAIRMAN. I understand. You did carry out instructions.

Mrs. FREELS. Yes, sir.

The CHAIRMAN. Would you recognize the \$50 check that you paid and marked it for organizational expenses if you saw a photostatic copy of it?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. I present such a document to you for your identification.

Mrs. FREELS. Yes, sir; this is the check that I wrote.

The CHAIRMAN. According to your information from Mr. Reynolds to whom you made the check payable, that was a payment to reimburse him for money he had spent to buy dynamite?

Mrs. FREELS. Yes, sir.

The CHAIRMAN. That check may be made exhibit No. 11.

(The document referred to was marked "Exhibit No. 11" for reference and may be found in the appendix on p. 7504.)

Senator CURTIS. Did they get enough money there from local dues to carry on all these things?

Mrs. FREELS. No, sir. We just had about 700, I would say approximately 700 to 800 members that we paid per capita tax on.

Senator CURTIS. This is not a question for you to reply to, but throughout all this testimony I cannot help but think of the many, many individual truckdrivers and workers over the United States who are not hoodlums and who are not criminals, who work at that to support their families. I am thoroughly convinced that they are unwilling contributors to enterprises like this, that they would not willingly pay their money into an organization in order to carry on such criminal activities. Their rights are being denied. They are captives. They are victims of a system where someone has to support this gangster activity in order to hold their job and make a living. It is wrong and it is a responsibility that must be faced by everybody.

The CHAIRMAN. Do you have anything further, Mr. Kennedy?

Mr. KENNEDY. Yes. I have one other thing.

You left the union in 1956?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. What were the circumstances under which you had a falling out with the teamsters local?

Mrs. FREELS. Because the officeworkers put a picket line on the teamsters local.

Mr. KENNEDY. You were a member of the officeworkers union?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. And they began to picket the teamsters?

Mrs. FREELS. Yes, sir. I still am a member as of this time. I don't know how long I will be.

Mr. KENNEDY. But they felt that the teamsters were engaging in unfair practices with their own employees; is that right?

Mrs. FREELS. That's right.

Mr. KENNEDY. And you went out on strike?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. And were they upset by the fact you were striking against them and the officeworkers employees were striking?

Mrs. FREELS. Yes, sir, Mr. Payne came to my desk—well, I got fired the night the picket line was put on.

Mr. KENNEDY. For going out on strike?

Mrs. FREELS. Yes.

Mr. KENNEDY. What did he tell you at that time?

Mrs. FREELS. Mr. Reynolds came out on the picket line. He said, "Lola, you are finished with the teamsters. I would like you to turn in your keys. You are fired." I said, "Thank you." So I gave him my keys.

So we walked the picket line that night. They called in their attorney, Mr. Reynolds from Knoxville, for the teamsters. Of course, the officeworkers met with their attorney. The attorney advised Mr. Reynolds to put me back to work, but if he wanted to eventually get rid of me he could.

Mr. KENNEDY. What was the dispute between the officeworkers union and the teamsters?

Mrs. FREELS. They brought a girl in from the Nashville local who was on a withdrawal card and she was not a member of the officeworkers in Knoxville and she did not contact them. She would not put her withdrawal card in, I mean, deposit her withdrawal card.

Mr. KENNEDY. So they had broken their contract with the employees union; is that right?

Mrs. FREELS. Yes, sir. You see, according to our contract the teamsters were supposed to call the officeworkers whenever they need a girl, but the teamsters said they would hire whoever they wanted to and work whoever they wanted to.

The CHAIRMAN. In that respect they do not practice what they preach.

Mrs. FREELS. No, sir. In fact, our contract expired in September and it wasn't signed until I believe the day I left there. They signed my contract and then got rid of me.

Senator CURTIS. Did the teamsters union cooperate with any other unions, assist other unions when they were having a strike or have a cooperative arrangement with them in any way?

Mrs. FREELS. Yes, sir, if they had some grocery store or something on the unfair list they would call each local union there in town and ask them to cooperate and to ask their members not to buy this product.

Senator CURTIS. The teamsters would make those calls?

Mrs. FREELS. Yes, sir.

Senator CURTIS. What union would be involved with the store; the teamsters?

Mrs. FREELS. Yes, sir, the teamsters.

Senator CURTIS. They would call other unions and ask them to assist in boycotting the store?

Mrs. FREELS. Yes, sir.

Senator CURTIS. What other unions would they call?

Mrs. FREELS. Well, we were in the same building with a lot of the labor organizations, the laborers' local.

Senator CURTIS. That is common laborers?

Mrs. FREELS. Yes, sir. And the millrights, the plasterers and cement finishers were there. And the iron workers, the carpenters local. They called just about everybody in town and asked them to remember not to buy this particular item from different stores.

Senator CURTIS. Do you know any other union that appealed to the teamsters and asked them for their help?

Mrs. FREELS. Not anybody in particular. On this Judge Dawson that we were talking about, when he issued this injunction the Knoxville building trades in Knoxville was asked to call the representatives from each local union and that they go and make an impression on Judge Dawson and let him know that they had quite a few union people that wouldn't stand for such a thing.

Senator CURTIS. Who did he issue the injunction against? What union?

Mrs. FREELS. The teamsters local.

Senator CURTIS. Whose idea was that to impress the judge?

Mrs. FREELS. That was Mr. Payne's idea. He said he thought if he got a group of the representatives from different locals that they could go up there and make this—I have never seen Judge Dawson but his expression was that they would make this old man quit issuing injunctions.

Senator CURTIS. Did any unions agree to do that?

Mrs. FREELS. There were several of them that went that morning.

Senator CURTIS. Do you know which ones were involved?

Mrs. FREELS. No, I don't.

Senator CURTIS. Where did the barbers union fit into this picture?

Mrs. FREELS. The barbers, I don't know anything about the barbers.

Mr. KENNEDY. That is Nashville.

So you went out on strike. Did anybody say anything to you how the teamsters felt about being struck by another union?

Mrs. FREELS. Yes, sir. Mr. Payne came to my desk and he said—well, that was the next morning after I went back to work. They agreed to take me back to work that night. The morning I went back to work he said, "Lola, for your information, the international is very upset over the picket being put on the teamsters local," and he says, "This will eventually get rid of you."

I said, "Well, they have to be shown one time or another."

Mr. KENNEDY. You continued to work there for a period of time?

Mrs. FREELS. Yes, sir; the strike, I believe, was in September, and I was terminated in November.

Mr. KENNEDY. In November of 1956?

Mrs. FREELS. Yes, sir; and after that statement was made my wages were decreased, and I mean I have had a rough time of it since then.

Mr. KENNEDY. After that your wages were decreased?

Mrs. FREELS. Yes, sir

Mr. KENNEDY. From September to November, and finally you were fired; is that right?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. What reason did they give for firing you?

Mrs. FREELS. Well, on my termination slip it said "Spreading false rumors," I believe.

Mr. KENNEDY. What was the situation in connection with that?

Mrs. FREELS. I was talking to one of the business agents wives, and a lot of times if they were out late they would call me and ask we where they were.

Mr. KENNEDY. If the business agent was out late, their wives would call you and ask you where they were?

Mrs. FREELS. Yes, sir. So on this particular one, Mrs. Payne wanted to know if Mr. Payne was in a meeting that night, and I told her I didn't know, I didn't think so, they didn't have anything scheduled. So I think they went all over town looking for him, and they finally found him. He said he was in a lawyer's office, and, of course, I don't know, but that was what he told me.

Also, Mrs. Vandergrift was in this, too, and she was looking for her husband.

Mr. KENNEDY. Those were the false rumors?

Mrs. FREELS. So Mr. Payne got me out of bed and called me. My father answered the phone about 12 or 1 o'clock that night, and got me out of bed, and he said, "What did you tell my wife that I wasn't at a meeting for?" And I said, "Well, Payne, I didn't think you were, and I didn't know you had a meeting scheduled." And he said, "Well, we will see what we can do about this tomorrow."

So I went into the office, and I hated to go, but I did. I knew what was coming. And I went on in, and as soon as I got in the door he started, he and Mr. Vandergrift. So he said, well, if Mr. Reynolds didn't fire me, he would call Mr. Mendoza and have him fire me.

Mr. KENNEDY. Who was he at the time? Was he international organizer for the teamsters?

Mrs. FREELS. Mr. Mendoza came in, and that was during the time the local was going under trusteeship, and so Mr. Mendoza came in and, of course, I worked there a day or two, and he came to me about 4:30 one afternoon, and Payne and Vandergrift, in turn, told him what happened. And so I called the officeworkers in, and it happened that Mr. Murtha knows the president of the officeworkers, and they are good friends. I couldn't get anything done through them, so I, in turn, contacted Ray Jenkins in Knoxville, and I thought that something ought to be done. So he said, "Just wait awhile, Lola, maybe everything will come out."

Mr. KENNEDY. He was somebody who knows.

Mrs. FREELS. So I explained everything to him, and he told me to wait, and so I was fired about 4:30, and I gathered up everything I had and I started to walk out and I thought, "Well, I will need a separation notice," and so Mr. Mendoza was sitting there, and I said, "Mr. Mendoza, may I have my separation notice?" And he said, "Well, can't you wait a day or two?" And I said, "No, I would like to have it now." And he said, "Well, I don't have any separation forms." And I said, "I beg your pardon, you do have, and I have some in my desk drawer."

So I got the separation notices out, and I said, "Here are the forms. Now could I have my separation notice?" And he said, "No, I will send it to you in a day or two, because I don't know what I am going to put on it." And he said, "Why are you in such a hurry for it, and why do you want it?" So I was angry at that time, and I said, "Well, I am going to take that out and see if I can't get that reward that is going around in the paper," and, boy, he hit the ceiling then.

MR. KENNEDY. What was the reward for?

MRS. FREELS. I don't remember.

MR. KENNEDY. For the dynamiting, or information on the dynamiting?

MRS. FREELS. Yes, sir.

MR. KENNEDY. It was \$15,000 reward at that time; was it not?

MRS. FREELS. I don't remember the amount, but it was the first thing that came in my mind. So I told him that, and I went out to dinner that night and about 10 o'clock my mother received a call, somebody wanting to see me. So she told them I would be in about 10:30, and at 10:30 I drove up in the driveway, and, of course, this car was parked up from the house. As I got out of the car, this car came driving up and it was Mr. Reynolds. He said, "Lola, get in the car, I want to talk to you a minute." And I said, "Well, come on in the house and we can talk better." And he said, "No, I want you to sit out here." Of course, mother saw me come up and she came to the window and she knew what had happened and everything that had happened, and she was a little bit worried.

So she stayed there at the window, and I went to the window and told her everything was all right, and so I sat down in the car with Bill Reynolds. He told me that Mr. Mendoza had called him to the hotel and asked him to come out and see me, and asked me not to say anything that would probably get him put in the pen. He sat there and talked a long time. He said, "Lola, I don't want you to say anything about what has happened because I have got my wife and my child to think about," and I said, "Well, Bill, if the teamsters have got you in anything you ought to tell who has gotten you into it," but, I said, "If they ever contact me I will go and I will tell just exactly what I know," and I said, "If it hurts you or whoever it hurts it should be stopped."

So I was contacted by the committee, and here I am.

MR. KENNEDY. Did Mr. Reynolds say what Mr. Mendoza had promised him if he could stay out of the pen?

MRS. FREELS. Yes; Mr. Reynolds told me that night that Mr. Mendoza told him that he would give him a good job in another local union if he could stay out of the pen at least a year.

MR. KENNEDY. He was being removed from his job at that time?

MRS. FREELS. Yes, sir.

MR. KENNEDY. If he could stay out of the pen for a year, they would give him a job in another local?

MRS. FREELS. Give him a job in another local.

MR. KENNEDY. Do you know what Reynolds is doing now?

MRS. FREELS. No, sir.

MR. KENNEDY. The year is not up yet. Didn't that happen about 1956, the end of 1956?

MRS. FREELS. Yes, sir.

Mr. KENNEDY. You have never been contacted by any of the law-enforcement agencies?

Mrs. FREELS. No, sir.

Mr. KENNEDY. Mr. Duffy and Mr. McShane were the first ones to contact you?

Mrs. FREELS. Yes, sir.

Mr. KENNEDY. Did you receive any threats regarding your testimony?

Mrs. FREELS. I received two calls while I was working, and I am employed in another place, which is not union.

Mr. KENNEDY. What did you hear?

Mrs. FREELS. I received two calls; I guess it was about 2 days apart, and it sounded like a man, and I am not sure. I don't know who it was, but he sounded like a man with a gruff sort of voice, and he said "Mrs. Freels, you had better keep your mouth shut," and it was real deep, and I got so upset on my job I couldn't hardly do it. So I didn't say anything to my boss about it, and he didn't know a thing in the world about it until he was contacted about my coming here.

Mr. KENNEDY. Did he know you were upset at that time?

Mrs. FREELS. Yes, sir; he came over to me, and he said, "Mrs. Freels, what is wrong?" And I said, "Oh, nothing," and I just kept on working.

Mr. KENNEDY. You didn't tell him until you were subpoenaed to appear before the committee?

Mrs. FREELS. No, sir.

Mr. KENNEDY. That is all.

The CHAIRMAN. The Chair, on behalf of the committee, wishes to thank you. If we had more people like this in the country who would come forth with what they know and help expose this nefarious racket that was going on, we could soon make this a better country. You are to be highly commended, and if you get any other threat from any source, pass that word on to this committee at once. I do not know what the local officials will do to give you protection, but they owe it to you and they owe it to every decent, law-abiding citizen in this country. They have to get on one side or the other, on the side of law and order, and protect human rights and property rights and the lives and physical welfare of people and keep them from being assaulted and maimed and crippled. Otherwise, we will soon have a jungle in America.

We have got to protect our civilization, and it is tragic, I think, that we have to go to all of this trouble to try to protect it against the characters and elements. I said "characters." They are low characters, if they have any character at all, that are engaging in these activities. If you get any threat at all, you let this committee know about it immediately.

And, again, thank you very much.

Mr. KENNEDY. That will be all for this witness. This will just take a few minutes, but she testified as to the situation of a telephone call being made, and then dynamitings and violence following a call, and then Smith and the other Smith, "Hard of Hearing" Smith, appearing on the scene. We have a situation down in Jackson, Miss., which I would just have our staff investigator testify to to put the facts in the record, and it will just take a few minutes.

Mr. McShane, will you testify, please?

TESTIMONY OF JAMES P. McSHANE

The CHAIRMAN. You have been previously sworn, and you may proceed.

Mr. McSHANE. Thank you, sir.

Mr. KENNEDY. Did you find, Mr. McShane, that there was a telephone call made from Jackson, Miss., where the teamsters union was having difficulty at the time? There was a telephone call made up to Tennessee?

Mr. McSHANE. I did.

Mr. KENNEDY. To whom was the telephone call?

Mr. McSHANE. It was made to Mr. Don Vestal.

Mr. KENNEDY. Who is he?

Mr. McSHANE. The president and business agent of local 327 in Nashville.

Mr. KENNEDY. From where was the telephone call made?

Mr. McSHANE. The telephone call was made from the union hall of local 891 in Jackson, Miss.

Mr. KENNEDY. Was that union at that time having some difficulty with a company in Jackson, Miss.?

Mr. McSHANE. Yes, sir. At that time they were having a labor difficulty with the cottonseed oil company mills at Jackson, Miss., and also at Tallulah, La.

Mr. KENNEDY. Did you make an investigation to determine whether Mr. Glenn W. Smith or Mr. W. A. Smith went to Jackson, Miss.?

Mr. McSHANE. Yes, sir; I did.

Mr. KENNEDY. Did you find that both of those individuals went down to Jackson, Miss.?

Mr. McSHANE. Both of them were there, and both of them were seen in the union hall, and also on the picket line a few days prior to the dynamiting.

Mr. KENNEDY. Did you find out that the point of the call was to obtain the help of these teamster officials?

Mr. McSHANE. Yes, sir, and, in effect, the message was, "We are in trouble, and we need your help. Please send someone down."

Mr. KENNEDY. You have an affidavit to that effect?

Mr. McSHANE. I have an affidavit to that effect.

Mr. KENNEDY. Could we have that affidavit made a part of the record?

The CHAIRMAN. That affidavit may be made a part of the record.
(The affidavit referred to follows:)

AFFIDAVIT

I, Mrs. Lloyd A. Hutchins, who reside at 44020 North Hoban Avenue, Lancaster, Calif., freely and voluntarily make the following statement to LaVern J. Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor-Management Field. No threats, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee:

In January 1956, I, Mrs. Lloyd A. Hutchins, was employed by teamsters union local 891, Jackson, Miss. My duties with the union were of a clerical nature in the office of the union hall, located at 130 West Woodrow Wilson Drive, Jackson, Miss.

On December 31, 1955, the teamsters union called a strike against the Southland Cotton Oil Co., 1000 Mill Street, Jackson, Miss.

On or about January 9, 1956, during the Southland Cotton Oil Co. strike, I overheard Mrs. Bess Hoover, secretary of local 891 and wife of the president and business agent, "Red" Hoover, make a long-distance telephone call to the teamsters office in Nashville, Tenn. During this telephone conversation, I heard Mrs. Hoover remark, "Don, we are in bad shape. You had better send help down."

Later the same day, on or about January 9, 1956, I heard Mr. "Red" Hoover request his wife to call Mr. Don Vestal of teamsters local 327 in Nashville, Tenn., on the telephone. Mr. Hoover went into his inner office and closed the door. Mrs. Hoover placed the call to Mr. Vestal and before she referred the call to Mr. Hoover, she told Mr. Vestal not to say anything about the fact that she (Mrs. Hoover) had spoken to him earlier on the telephone.

I have read the foregoing statement, and to the best of my knowledge, it is true and correct.

Mrs. LLOYD A. HUTCHINS.

Witnesses:

HELEN C. KURTZ.

Mrs. JERRY R. PITTMAN.

Sworn to and subscribed before me this 18th day of October 1957.

T. L. THOMAS, *Notary Public*.

My commission expires September 7, 1958.

Mr. KENNEDY. Did you find that after Mr. Glenn Smith and Mr. W. A. Smith, one from Chattanooga and the other from Nashville, that after they arrived on the scene down in Jackson, Miss., that some violence occurred?

Mr. McSHANE. Yes, sir.

Mr. KENNEDY. What kind of violence?

Mr. McSHANE. On the night of January 15, 1956, about 11:20 p. m., a Mr. Nabors, who was the night superintendent at the plant, observed the green Cadillac sedan pull up by a fence and stop. A man got out and threw a heavy package over the fence beneath the transformer belonging to the Mississippi Power & Light Co., which was on the company property. He observed that there was a fuse attached and that it was burning. With the assistance of several employees, he succeeded in putting out the fuse.

About that time, on the other side of the plant, there were two terrific explosions. A subsequent investigation disclosed that there were two 300,000 gallon capacity tanks containing black oil and 1 cottonseed storage bin containing cottonseed had been completely destroyed. The estimated damage of that was \$35,000.

Mr. KENNEDY. That was \$35,000 and water was sprayed on some of the dynamite before it exploded?

Mr. McSHANE. Twenty-one sticks of dynamite were recovered.

Mr. KENNEDY. And you have some affidavits there indicating that the reason for Mr. Smith being present in Jackson, Miss., was for the purpose of dynamiting or participating in this violence?

Mr. McSHANE. Yes, sir.

Mr. KENNEDY. And you have some information or some affidavits there indicating that they were seen on the picket line and were active in the strike?

Mr. McSHANE. Yes, sir, and also at the union hall.

Mr. KENNEDY. This is Jackson, Miss., and we will have some other information regarding the activities of some of these individuals in Florida, but I wanted to get that in the record at the present time.

Mr. McSHANE. There was also a dynamiting an hour later, at Tallulah, La., belonging to the same company.

Mr. KENNEDY. How far away was that?

Mr. McSHANE. Roughly about 70 miles away, and there was a dynamiting there, and a medium-sized tank was destroyed, and the estimated damage to that was \$1,600, and it was the same company, and another mill plant.

Mr. KENNEDY. Was there an investigation made to determine whether it was the same kind of dynamite that was used in both?

Mr. McSHANE. The dynamite found at both scenes was taken and sent to the Louisiana State Department of Public Safety, the division of police, located at Baton Rouge, and a Dr. Ray Herd examined all of the articles, and said that in his opinion these materials were identical in every respect, and that they came from the same source.

The CHAIRMAN. All right, the affidavit you referred to may be placed in the record.

(Affidavits referred to follow :)

AFFIDAVIT

I, Daniel W. Moulder, 2318 Bailey Avenue, Jackson, Miss., telephone No. 2-4334, freely and voluntarily make the following statement to Mr. James McShane who has identified himself to me as a member of the staff of the United States Select Committee on Improper Activities in the Labor or Management Field. No threat, force, or duress have been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of the statement to the aforementioned Senate select committee.

A couple of nights before the dynamiting up at the Southland Cotton Oil Co., 1000 Mill Street, Jackson, Miss., I went to the meeting hall of the teamsters' union, local 891, address 130 West Woodrow Wilson Drive, Jackson, Miss.

It was on or about January 12, 1956, at about 9 p. m. I was to attend a meeting that L. M. "Red" Hoover, president of local teamster's 891, had called for several of us fellows regarding the strike up at the Southland Cotton Oil Co. plant.

While in the union hall waiting for the meeting to start I went over to the door of the office of "Red" Hoover. I wanted to get something inside his office. The door was closed. Mrs. Hoover, secretary of local No. 891, and wife of "Red" Hoover, was standing near the door. She told me not to open it as there was a private meeting going on inside of "Red" Hoover's office. I walked back to the other side of the room and waited. About a half hour later Hoover's office door opened and out walked W. E. Huff, who lives at 435 Roland Street, Jackson, and Charlie Hudson, who resides at 309 Pearl Drive East, Jackson, Miss. They are members of local 891, and were active up at the strike at Southland Oil plant. Also coming out of the office was "Red" Hoover and two other fellows whom I did not recall having seen around the union hall before. Huff and Hudson came over and spoke to me. Where the other men went I do not know.

I have been shown 16 pictures of a group of men by Mr. James McShane a member of the subcommittee staff. From these pictures I positively recognized two men. Mr. McShane informs me one is Glenn W. Smith, president of teamster's local No. 515, Chattanooga. The other man I saw who was wearing a hearing aid, Mr. McShane informs me is W. A. "Hard Hearing Smitty" Smith, business agent of teamster's local 327, Nashville.

On the afternoon of when this all happened I recall seeing the man I recognized as Glenn W. Smith driving a Cadillac bearing Tennessee license plates. I have tried, but I just can't recall the color of the Cadillac.

DANIEL W. MOULDER.

Witnesses :

JAMES W. McSHANE.

R. C. BENNETT.

Subscribed and sworn to before me this 9th day of September 1957.

E. M. SHAW.

My commission expires May 28, 1960.

AFFIDAVIT

I, W. L. Hodgin, 111 Sanford Street, Jackson, Miss., telephone No. 50274 freely and voluntarily make the following statement to James McShane who has identified himself to me as a member of the staff of the United States Select Committee on Improper Activities in the Labor Management Field. No threat, force, or duress have been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of the statement to the aforementioned Senate select committee.

In January 1956 I was employed at the Southland Cotton Oil Co. of 1000 Mill Street, Jackson, Miss., as mill superintendent. On or about January 9, 1956, I had an occasion to drive one of the nonstriking employees, Joe Sayles, to his truck which was located across the picket line with my car. This was around noon. Later that evening, about 7 p. m. I left the plant and went to Macks drive-in-restaurant located at 1836 Mill Street, Jackson, about 5 blocks from the plant. As I was finishing my meal Mr. L. M. "Red" Hoover, president and business agent of teamster's union local 891, Jackson, Miss., came into the drive-in with three other men and sat down in the restaurant. This union, local 891 was the one that was conducting the strike at our plant and had established the picket line. Mr. Hoover and his associates did not order anything but sat looking at me. As I started to leave he said to me "I want to see you." He followed me outside and the other three followed. Two of them accompanied Mr. Hoover over to where I was and the fourth remained in the open doorway. When Mr. Hoover got up to me he said, "You smart s. o. b. I don't want to see you taking anybody across the picket line again," or words to that effect.

Mr. James McShane of the subcommittee staff has shown me 16 pictures of men in several groups. From these pictures I have recognized the man who was standing in the doorway at the drive-in. I am told by Mr. McShane that he is Glenn W. Smith, president of the teamster's union, local No. 515 at Chattanooga, Tenn.

Also in looking over the 16 pictures I recognized and can identify another man, wearing a hearing aid, as one I saw around the picket line at the time of the strike. I have been informed by Mr. McShane that this man is W. A. "Hard Hearing Smitty" Smith, business agent for teamsters' local No. 327, Nashville, Tenn.

During the strike I saw a light green Cadillac automobile with Tennessee license plates cruising the streets around the plant on several occasions in the late evening or nighttime. I noticed it parked one evening at the place where the men on the picket line parked their cars.

W. L. HODGIN.

Witnesses:

JAMES MCSHANE.

H. T. BUSBY.

Subscribed and sworn to before me this the 7th day of September 1957.

E. M. SHAW.

My 4-year term of office expires May 28, 1960.

The CHAIRMAN. Before we adjourn, the Chair wishes to ask a question of Mr. Duffy of the staff.

You have been previously sworn. Have you checked the criminal record of this man, W. A. Smith, business agent of the teamsters' local, 327, Nashville, Tenn.?

TESTIMONY OF LaVERN J. DUFFY—Resumed

Mr. DUFFY. Yes, in Nashville.

The CHAIRMAN. Have you made a compilation of his criminal record?

Mr. DUFFY. I have, Mr. Chairman.

The CHAIRMAN. All right, that information may be printed in the record at this point.

(Information referred to follows:)

MEMORANDUM

NOVEMBER 11, 1957.

To: Robert F. Kennedy.

From: L. J. Duffy.

Subject: W. A. Smith, business agent, teamsters' local, 327, Nashville, Tenn., police record.

Date	Charge	City	Disposition
Nov. 9, 1934	Investigation (robbery), vagrancy, and disorderly conduct.	Memphis, Tenn.	Vagrancy dismissed. Fined \$5 for disorderly conduct.
May 18, 1937	Public drunk, concealed weapon, assault.	Nashville	No record of disposition.
Dec. 15, 1947	Obtaining property in excess of \$60 by fraud.	Memphis	Do.
Dec. 18, 1949	Loitering.	Nashville	Fined \$5.
Jan. 14, 1950	Keeping disorderly house	do.	Fined \$50.
Do.	Operating disorderly house	do.	Fined \$25.
Dec. 23, 1950	Driving while drunk (unable to find road).	do.	Fined \$50.
Do.	Disorderly and offensive conduct	do.	Dismissed.
Nov. 30, 1951	do.	do.	Fined \$25.
Dec. 1, 1951	Loitering	do.	Fined \$10.
May 9, 1952	Drunk, disorderly, and offensive conduct.	do.	Fined \$50.
May 27, 1953	Assault and battery	do.	Party assaulted dropped charges.
Dec. 3, 1955	Violating State registration law (dynamite caps and equipment found in his car, 1951 Chevrolet sedan).	do.	Fined \$2.50 plus court costs of \$9.75, total of \$12.25.
Do.	Violating State registration law (dynamite caps and equipment found in his car, 4 door Mercury sedan).	do.	Dismissed.
Dec. 30, 1955	Drunk and disorderly	do.	Fined \$10.
Do.	Drunk on street	do.	Do.
Mar. 19, 1956	do.	do.	Fined \$5.

Senator CURTIS. Mr. Chairman, I recall that Mr. Hoffa replied to an inquiry about employing people with criminal records for union organizers and other work. He said that they endeavored to do it in order to rehabilitate them.

The CHAIRMAN. They have not made much progress with Mr. Smith.

Senator CURTIS. Not very much.

The CHAIRMAN. I think that they could call that project a failure and end it right now.

The committee will stand in recess until 10:30 a. m. in the morning.

(Whereupon, at 4:05 p. m. the committee recessed, to reconvene at 10:30 a. m., Saturday, December 7, 1957.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

SATURDAY, DECEMBER 7, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee reconvened at 10:30 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator John F. Kennedy, Democrat, Massachusetts.

Also present: Robert F. Kennedy, chief counsel; LaVern J. Duffy, investigator; James P. McShane, investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session: Senators McClellan and Kennedy.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Powers, Mr. Chairman, is the next witness.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POWERS. I do.

TESTIMONY OF B. B. POWERS

The CHAIRMAN. State your name, your place of residence, and your business or occupation, Mr. Powers.

Mr. POWERS. My name is B. B. Powers, my home address is 2906 Fifth Avenue, Knoxville, Tenn. My business address is 3434 McCalla Avenue, Knoxville, Tenn.

The CHAIRMAN. What is your business or occupation?

Mr. POWERS. Food markets.

The CHAIRMAN. Thank you very much. You waive counsel, do you?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. Mr. Powers, in 1936 did you understand that the Coca-Cola plant in Knoxville was having some difficulties with the teamsters union?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. Did you handle Coca-Colas out of your grocery store?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. Did you have some conversations in September of 1956 with some teamster officials regarding the selling of Coca-Cola?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. Will you tell us the events that preceded that, first that the representatives of the Coca-Cola company came in to install some Coca-Colas in your grocery stores?

Mr. POWERS. The Coca-Cola truck came in about 1 or 2 o'clock in the afternoon on Wednesday, I believe it was maybe the 4th of September. They said, "We have Coca-Cola for you." I said, "Well, is the strike over?" And the boy said, "Yes; and Pat, who is Mr. Roddy, said, "All that want to come back to work, come on, and he just opened the doors. And he said, "We all went back to work." So I asked him where the regular driver was, and his name was Fred Lanham, and they said, "Well, now, Fred didn't get back to work today, and he will be back to work later." So I said, "Well, the empty bottles are in the rear, and you can back the truck up to the back door and refill them with Coca-Colas." After the boys had brought in quite a number of the cartons, they started filling the rack on the front and were working up there, the two men on the truck, and a big Cadillac drove in on the front, a big black Cadillac, and a man came in, and he said, "Who is the manager of the store?" I told him that I was. He said, "I see you have bought Coca-Colas," and I said, "Yes," and he said, "Well, the strike is not over," and I said, "Well, these boys said it was," and he said, "Well, why didn't you make arrangements, or why didn't you call to find out whether the strike was over or not?"

I said, "Now wait a minute; it is not my place to find out whether the strike is over or not. If the strike is still on, why did you let them by the picket lines?" He said, "You're in for trouble." He said, "You will sure get it. Your own customers will cause you trouble." I said, "No; I didn't think my customers would cause me any trouble," but I said, "If you're looking for trouble, I guess you can get some of it, too." I said, "I think that I know your type. You're one of these kind of fellows that will come into town here, and pull these men off of their jobs, and put them out on a picket line, and they go hungry," but I said, "It don't make any difference to you. You drive a big fine Cadillac." I said, "You have a big fine office uptown, where you can throw your feet up on the desk and smoke 25-cent cigars and tell these hungry boys out on the picket line; if you happen to win, bring me \$4 a month." Now, I said, "You should try to sell some of my help on your idea. The first one you approach would throw you out that door. I said, "For your information, I have been selling Coca-Colas on this corner for over 30 years, and I would like to see you stop me." I said, "The best thing you can do is get in your Cadillac and get back to where you come from." He went out the door, and he said, "You're asking for trouble, and you're sure going to get it." That was the incident that happened on that day.

Mr. KENNEDY. That was on September 5; was it?

Mr. POWERS. That was on the 4th, on Wednesday.

Mr. KENNEDY. September 4?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. What was the next thing that you heard?

Mr. POWERS. The next that I learned was when an officer called me, called my home and my wife answered the phone, that our place of business had been dynamited. That was about 10:30 on the night after, which was Thursday, September 5.

Mr. KENNEDY. What was the damage that had happened?

Mr. POWERS. They blew out all of the front plate glass windows, and blew the doors off of my entrance, and the marquee on the front, the metal awnings, 1 of them was completely destroyed, and the other 2 were damaged. A big hole was left in the pavement directly in front of the building, within about 4 or 5 feet of the building.

Mr. KENNEDY. So within less than 48 hours, after you had this dispute with Mr. Reynolds of the teamsters union, after he told you that you were going to have trouble, and after you had said you were going to continue to sell Coca-Colas, within 48 hours of that time your store had been dynamited?

Mr. POWERS. That is right, sir; yes, sir.

Mr. KENNEDY. What action did you take? Did you and your family go down and try to repair the store?

Mr. POWERS. Well, yes, my son and I and my brother and I made arrangements immediately to replace the glass with the Pittsburgh Plate Glass Co., and he put a night crew on, and we cleared away all of the debris and I had to rehang my doors, and where the ceiling in front of the marquee and all of the lighting was hanging down, you know. The wires had to be cut, you know, and the lights taken away, and the ceiling, of course, was hanging down and the facade around the marquee which is aluminum facade was blown out, you know, from it. But after we had completed by 6:30 the next morning, we had everything installed. The glass and all of the debris was hauled away, and the hole was patched, and I had cement on hand and the hole was patched, and you couldn't tell from the street actually, you know, anything had happened other than the awning, of course, was gone.

Mr. KENNEDY. How much was the damage?

Mr. POWERS. Something near \$2,000. It would have been a whole lot more, but I did an awful lot of it myself. I had some building experience, and a lot of the work was done myself.

Mr. KENNEDY. With the help of your family?

Mr. POWERS. That is right; yes, sir.

Mr. KENNEDY. Now, this of course came to the attention of the police?

Mr. POWERS. That is right; yes, sir.

Mr. KENNEDY. Were you interviewed?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. Regarding the threats?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. When were you first interviewed, that night?

Mr. POWERS. That night, yes.

Mr. KENNEDY. Were you interviewed again after that by the police?

Mr. POWERS. Yes, sir. Now, 2 or 3 times I expect the detectives that were assigned to the case came back and I gave them names of witnesses that I had picked up or just learned, you know, through the store. They, of course, questioned the witnesses.

Mr. KENNEDY. There were also some witnesses to the threats that had been made to you by Mr. Reynolds, were there not?

Mr. POWERS. Oh, no, that isn't right, no. There are not. The two witnesses that I picked out were ones that possibly could make some identification of who might have done it.

Mr. KENNEDY. Also, there was at least one witness to the threats that had been made to you by Mr. Reynolds, was there not?

Mr. POWERS. Yes, there is the Coca-Cola men who heard that.

Mr. KENNEDY. We have an affidavit, Mr. Chairman, and I don't think it is necessary to read it all into the record but it does substantiate the statements that Mr. Powers has made, as to the conversations that he had with Mr. Reynolds.

The CHAIRMAN. The Chair will read at this point the body of the affidavit, omitting the formalities of it and the affidavit may be printed in full in the record at this point.

(The affidavit referred to follows:)

AFFIDAVIT

I, Harry Murray, who reside at 2010 Laurel Avenue, Knoxville, Tenn., freely and voluntarily make the following statement to LaVern J. Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor or Management Field. No threats, force or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee:

I have been employed by the Roddy Manufacturing Co. in Knoxville, Tenn., for the past 17 years. I hold the position of route supervisor.

On or about September 5, 1956, I was assisting in the delivery of Coca-Cola to Powers Grocery Store, 3434 McCalla Avenue, Knoxville, Tenn. I was inside the store with another route salesman, William Romines. While making deliveries inside the store, a man entered and started shouting at Mr. Powers. I heard him say, "What the hell is the idea of selling this Coca-Cola?" Mr. Powers informed him that he had been selling Coca-Cola for 31 years and this man was not going to stop him. The man said to him, "You're asking for trouble." And to this Mr. Powers replied, "You're coming to a good place to get it. That is all you fellows are good for; smoking fat cigars, driving Cadillacs, and taking those poor boys' money." I was of the impression that Mr. Powers meant teamsters union members of local No. 621. I went to the rear of the store and heard no more of their conversation. I did notice that Mr. Powers was visibly upset when I left the store.

At a later date I discovered the identity of the man who threatened Mr. Powers in the store that day. I have seen him on numerous occasions entering and leaving the Teamsters Union, Local No. 621 meeting hall in Knoxville, Tenn. He is Mr. William J. Reynolds, who at that time was president and business agent for local No. 621.

I have read the foregoing statement, and to the best of my knowledge it is true and correct.

/s/ HARRY E. MURRAY.

Witness:

/s/ G. HUGH GALLAHER, JR.

/s/ ANNE F. SMITH.

Subscribed and sworn to before me this 2d day of December 1957.

[SEAL]

/s/ RALPH CATO, Notary Public.

My commission expires January 20, 1958.

Mr. KENNEDY. Then in addition you were able to locate two individuals who had some firsthand information as to the dynamiting?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. And you turned that information over to the police as well?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. Now, was this case ever solved, was anybody prosecuted in connection with this?

Mr. POWERS. No.

Mr. KENNEDY. Now, you told the police of the threats that had been made to you by Mr. Reynolds?

Mr. POWERS. Yes, sir.

Mr. KENNEDY. Was Mr. Reynolds ever interviewed by the police in connection with this?

Mr. POWERS. That I don't know.

Mr. KENNEDY. Did the police make any statements to you about that?

Mr. POWERS. No.

Mr. KENNEDY. Did you ask them if they had interviewed him?

Mr. POWERS. I asked them the night of the dynamiting why they didn't get Reynolds, and I said, "I believe you have enough evidence to go get him," and one of the officers said, "Yes, we have enough evidence, let us go get him." I believe now the police officers' names were Swanner and Hudkson, and I believe that Mr. Swanner was the one that said, "Yes; we have enough evidence to get him, let us go get him." And the other one said, "No; we will have to place him at the scene of the crime."

Mr. KENNEDY. Did you understand there were two witnesses that could add something or could give some information regarding the persons responsible for the dynamiting?

Mr. POWERS. That is right. We have those witnesses.

Mr. KENNEDY. But nevertheless, nobody was ever arrested in connection with this?

Mr. POWERS. No, sir.

Mr. KENNEDY. And you don't know if Mr. Reynolds was ever even interviewed, is that right?

Mr. POWERS. No, sir.

The CHAIRMAN. Were you ever called before a grand jury investigation of it?

Mr. POWERS. No, sir. Now, I went down and talked to Mr. Clements, the attorney general, and he said that they had two good officers assigned, the two city detectives, and that they would do a good job of it, and I left the courthouse, you know. That was the last time I saw Mr. Clements until I saw him in the courtroom yesterday.

The CHAIRMAN. Is this what you call a good job of it?

Mr. POWERS. No, sir; I certainly do not, sir.

Mr. KENNEDY. Mr. Chairman, at this time I would like to ask a question of Mr. Duffy, in connection with his interview with Mr. Swanner, the detective handling this matter.

TESTIMONY OF LaVERN J. DUFFY—Resumed

The CHAIRMAN. You have been previously sworn and proceed.

Mr. KENNEDY. Did you talk to Mr. Swanner of the police department?

Mr. DUFFY. Mr. McShane and myself talked to Lieutenant Swanner and he advised us that he did not interrogate Mr. Reynolds in reference to this.

Mr. KENNEDY. Mr. Reynolds was never even interviewed in connection with this?

Mr. DUFFY. That is correct.

Mr. KENNEDY. Then, not only was there no grand jury, but that Mr. Reynolds was not even interviewed in connection with the threats that he made of Mr. Powers?

Mr. DUFFY. That is correct.

Mr. KENNEDY. Did he tell you on whose instructions he was not interviewed?

Mr. DUFFY. He did not.

Mr. KENNEDY. He did not give you any any explanation?

Mr. DUFFY. No explanation was given to us.

Mr. KENNEDY. What did he say when you asked for an explanation?

Mr. DUFFY. I don't recall, Mr. Kennedy, what he did say. I was rather surprised, and I don't think that I carried on the conversation further.

Mr. KENNEDY. Thank you.

TESTIMONY OF B. B. POWERS—Resumed

The CHAIRMAN. Mr. Powers, how long have you been a citizen of Knoxville?

Mr. POWERS. I was born and raised in Knoxville.

The CHAIRMAN. How long have you been in this food-market operation?

Mr. POWERS. Thirty-two years, coming February.

The CHAIRMAN. Have you ever had any trouble before?

Mr. POWERS. No, sir.

The CHAIRMAN. As I understand, you have been selling Coca-Cola there all through the years?

Mr. POWERS. Yes, sir.

The CHAIRMAN. You had no interest in the strike at the Coca-Cola plant?

Mr. POWERS. No, sir. If you may please sir, I have nothing against any of the boys, you know, that worked for the Roddy Manufacturing Co. I knew an awful lot of them, and if the boys had gone hungry, I would have fed them, you know. I have no personal feelings toward any of the boys in the strike.

The CHAIRMAN. You had no control over the strike, and you had no interest in it on either side?

Mr. POWERS. No interest whatsoever.

The CHAIRMAN. And all you did was to receive when they came there, with the truck to deliver Coca-Cola, they told you the strike had been settled and all you did was to receive the Coca-Cola as had been your custom all of these years?

Mr. POWERS. Yes, sir.

The CHAIRMAN. To receive delivery of them?

Mr. POWERS. Yes, sir.

The CHAIRMAN. And it was while it was being delivered that this Cadillac drove up and this man came in, Reynolds came in and threatened you?

Mr. POWERS. Yes, sir. I don't know if I did not tell you, I don't think I did in my statement, but he told me that his name was Reynolds, and he was an agent for the teamsters union.

The CHAIRMAN. He told you that?

Mr. POWERS. He told me that; yes, sir.

The CHAIRMAN. At the time?

Mr. POWERS. Yes, sir.

The CHAIRMAN. Now, how long prior to that since you had received any delivery of Coca-Cola?

Mr. POWERS. I believe something like maybe 2 weeks, or maybe 10 days to 2 weeks.

The CHAIRMAN. You had not received any in 10 days or 2 weeks. During that period of time you had not sold any?

Mr. POWERS. That is, I had none to sell; that is right.

The CHAIRMAN. You did not try to break the strike?

Mr. POWERS. No, sir.

The CHAIRMAN. You did nothing to interfere with the strike?

Mr. POWERS. No, sir.

The CHAIRMAN. You simply received a delivery?

Mr. POWERS. That is right.

The CHAIRMAN. That was made by the Coca-Cola Co.?

Mr. POWERS. That is right, sir.

The CHAIRMAN. And for having done that, you paid this penalty of loss and damage that you sustained by reason of this violence?

Mr. POWERS. Yes, sir.

The CHAIRMAN. And notwithstanding he made that threat within 48 hours of the time your place was dynamited, and notwithstanding you reported it to the officers and notwithstanding that you gave them the names of other witnesses, so far as you know Reynolds up to that day has never been interrogated about it.

Mr. POWERS. That is right.

The CHAIRMAN. And he has never been called before a grand jury, and neither have you or anyone else?

Mr. POWERS. That is right, sir.

The CHAIRMAN. And that is the kind of law enforcement that you have down there in that community?

Mr. POWERS. Yes, sir.

The CHAIRMAN. Where labor unions are involved?

Mr. POWERS. Yes, sir.

The CHAIRMAN. All right. Thank you.

You may stand aside. Thank you very much.

Call the next witness.

Mr. KENNEDY. John C. Chapman.

The CHAIRMAN. Mr. Chapman, come around, please.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHAPMAN. I do.

TESTIMONY OF JOHN C. CHAPMAN

The CHAIRMAN. Please state your name, your place of residence, and your business or occupation, please.

Mr. CHAPMAN. John C. Chapman, sheet-metal worker, 622½ South 47th Street, Baltimore, Md.

The CHAIRMAN. Do you waive counsel, Mr. Chapman?

Mr. CHAPMAN. Sir?

The CHAIRMAN. Do you want a lawyer here to represent you as you testify?

Mr. CHAPMAN. No, sir.

The CHAIRMAN. Thank you very much.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chapman, you used to work in Knoxville, Tenn.?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You lived there?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You were a sheet-metal worker there for the J. W. Savage Machine Tool Co.?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. On September 5, 1956, you were in the vicinity of the Powers Grocery Store; were you?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Can you tell us about that; approximately what time it was and what you observed?

Mr. CHAPMAN. Sir, on the night before the dynamiting I went and got some groceries. I started back home.

The CHAIRMAN. A little bit louder please, sir.

Mr. CHAPMAN. A black Cadillac or dark blue Cadillac was sitting on the opposite side of the street on which I was. There were three men in the car. The night I stood there—

Mr. KENNEDY. That was about 7:30 at night; was it?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Approximately 7:30?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. This was on September 5, 1956?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. This was the night prior to the dynamiting; is that right?

Mr. CHAPMAN. No; the night before the dynamiting.

Mr. KENNEDY. Just before the dynamiting?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Let us get it straight.

Mr. KENNEDY. I am talking now about the first incident. The first time you walked up the street, that was on September 5, 1956.

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. That was the night before the dynamiting?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You observed an automobile?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. They were across the street from the Powers Grocery Store?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. There were three men sitting in the automobile; is that right?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Were you able first to identify the automobile at all? What kind of automobile was it?

Mr. CHAPMAN. It was black or dark blue Cadillac, sir.

Mr. KENNEDY. What year, approximately?

Mr. CHAPMAN. 1955 or 1956.

Mr. KENNEDY. Were you able to identify at all any of the occupants of the automobile?

Mr. CHAPMAN. Yes, sir. It was white sidewalls. On the hubcaps, you know, they had a kind of—well, they were different—they had a kind of ridge on the hubcap, four corners.

Mr. KENNEDY. That was the description of the car you saw?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You were not able to see the people in the car at that time?

Mr. CHAPMAN. No, sir.

Mr. KENNEDY. Now on the following evening you came again to the Powers Grocery Store; is that right?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You were walking up the street. Did you see anything at that time? This was the night of the dynamiting, September 6, 1956, the following night. Will you tell the committee what you saw?

Mr. CHAPMAN. When I went to the store the first time I did not see anything. I went home and I had to go back to the store. Then Mr. Powers was closed at the time. So I went up to the other little self-service store.

Mr. KENNEDY. You went up to the store about 7:30 and you did not see anything at that time. You went back to the store to buy some cigarettes around 8:30 that night?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Did you observe anything at that time?

Mr. CHAPMAN. Yes, sir; as I started back home.

Mr. KENNEDY. All right.

Mr. CHAPMAN. That was about 8:30. As I started back home the same Cadillac was parked on the same side of the street I was walking on. There were three men in it, but the driver I didn't see. I couldn't recognize him, but the other two men I could.

The CHAIRMAN. You did recognize two men in the car?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. The driver you did not recognize?

Mr. CHAPMAN. Yes, sir; I did not.

The CHAIRMAN. But 2 of the 3 you did recognize?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Now, out of a large group of pictures we presented to you you were able to pick out two men; is that right?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. The local police department had interviewed you at first, did they not?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. And you were able to pick out the individuals at that time?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. And you did the same thing for us?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Is this the first individual?

The CHAIRMAN. I hand you three photographs and ask you to examine them and see if you can identify the subject of the photographs, the first one involved.

Mr. KENNEDY. They are all the same individuals, just to give you a good view of them. Is that the man you saw on the front seat of the car?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. It is?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. You mean he was the driver?

Mr. CHAPMAN. No, sir, the driver would be sitting out toward the street. He was sitting into the sidewalk, you know.

The CHAIRMAN. In other words, he was on the opposite side of the front seat from the driver?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. How were you able to get such a good view of this man?

Mr. CHAPMAN. Sir, I was about 3 or 4 feet from him and he looked right straight at me.

Mr. KENNEDY. As you were walking up the street?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. He was seated nearest the sidewalk and as you were walking by he looked right straight up in your face?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You were only a few feet from him and you were able to get a good look at him; is that right?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Has that man been identified to you by name?

Mr. CHAPMAN. No, sir; I don't think you have told me his name.

Mr. KENNEDY. Mr. Chairman, that picture is a picture of Mr. W. A. Smith, who is the business agent from the local 327 in Nashville.

The CHAIRMAN. Let me ask you: Did you know the man who looked at you? Did you recognize him as someone you knew at the time he looked at you when you passed the car?

Mr. CHAPMAN. No, sir; I didn't.

The CHAIRMAN. In other words, he was a stranger to you?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. But you think you recognize that picture as the picture of the man who looked at you that night?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Had you seen pictures of this man before?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Did the police show you pictures of him?

Mr. CHAPMAN. Yes, sir, they showed me the pictures before.

The CHAIRMAN. When did you first identify the pictures? When were you first shown pictures of him and identify him? How long was it? How soon after the dynamiting?

Mr. CHAPMAN. I believe it was 2 or 3 days after the dynamiting.

The CHAIRMAN. 2 or 3 days after the dynamiting?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. You were shown pictures of this man?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. And you identified the man to the police; is that correct?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. So it was fresh on your mind?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. You had seen the man. You looked at him as you passed. The dynamiting occurred the same night?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. A day or two afterward you were interrogated by the police?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. You were presented with pictures of this man and you identified the picture as being a picture of the man who looked at you out of the car that night?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. This is not the first time you have identified the man, but it was immediately afterward you identified a picture of him?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. All right. Those pictures may be made exhibit No. 12 for reference.

(Photographs referred to were marked "Exhibit No. 12" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Mr. Chairman, I would like to call to your attention the testimony of Mrs. Freels yesterday when she stated that when there was difficulty in Knoxville that a telephone call was often made to either Chattanooga or to Nashville to get the man from the Chattanooga local or W. A. Smith from the local in Nashville; that after this telephone call was made and Smith came to Knoxville, that often some violence occurred in the Knoxville area.

It would appear that here is W. A. Smith identified at the scene of this dynamiting just a short time prior to the dynamiting in the city of Knoxville when he was a business agent for the local teamsters in Nashville, Tenn.

The CHAIRMAN. Did the police tell you who this man was when you identified the picture?

Mr. CHAPMAN. No, sir.

The CHAIRMAN. They did not give you his name?

Mr. CHAPMAN. No, sir.

The CHAIRMAN. They didn't tell you who he was?

Mr. CHAPMAN. No, sir.

The CHAIRMAN. But you told them that was the man in the car.

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You selected the identification of this man out of several pictures, did you not?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. It was not just presented to you and you were asked if this was the man?

Mr. CHAPMAN. No, sir; they had about 25 or 30 pictures.

Mr. KENNEDY. And you picked this man out; is that right?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You have already identified the other occupant of the car in a similar manner?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Were you able to identify another occupant of the car?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Did you identify the other occupant of the car to the police also at the same time you identified Smith?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. You did not identify him as Smith but you identified him as one of the men in the car.

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Did you identify at the same time, out of the pictures they presented to you, the other man you saw in the car?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. I present to you a picture here and ask you to examine it and state if you recognize or identify the party in the picture.

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Where was he that night?

Mr. CHAPMAN. He was sitting in the back seat, sir.

The CHAIRMAN. How did you happen to recognize him?

Mr. CHAPMAN. Sir, the light was shining on him. I turned around and looked for the license. When I looked at the license he was watching me.

The CHAIRMAN. Why were you looking at the license?

Mr. CHAPMAN. Just a habit, sir.

The CHAIRMAN. It was a pretty big car to be sitting there that way, was it not?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. That attracted your attention, I guess, a big Cadillac sitting there; is that true?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. You identified this man to the police, also?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. The man in this picture?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Did you know his name?

Mr. CHAPMAN. No, sir.

The CHAIRMAN. Do you know his name now other than what you have been told?

Mr. CHAPMAN. No, sir; I don't.

The CHAIRMAN. All right. That picture may be made exhibit No. 13 for reference.

(Photograph referred to was marked "Exhibit No. 13" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Mr. Chairman, we can identify him as Robert Belcher, a member of local 327 in Nashville. This gentleman has been arrested 42 times and convicted and paid a fine on 13 different occasions. He has never served any time.

The CHAIRMAN. All right. His criminal record may be placed in the record at this point.

(The document referred to follows:)

The following is the police record of Robert Karon Belcher :

Date	Charge	Disposition
Sept. 14, 1937	Vagrancy and loitering	Prosecutor failed to show.
Nov. 13, 1937	Larceny of auto.	
Dec. 4, 1937	Driving drunk	
Do.	Violating city ordinance	
May 25, 1938	Receiving and concealing stolen property	
July 15, 1938	Larceny of auto.	
Aug. 9, 1938	Housebreaking and larceny	
Aug. 30, 1938	Petty larceny	
June 25, 1939	Fast and reckless driving	\$15.
Do.	Violating drivers' license law	Dismissed.
July 19, 1939	Assault and battery	Do.
Do.	Robbery from the person	County court.
Oct. 15, 1939	Drunk in public place	Dismissed.
Nov. 4, 1939	Disorderly conduct	Do.
Do.	Vagrancy and loitering	Do.
Nov. 21, 1939	Disorderly conduct	Do.
June 20, 1940	Vagrancy and loitering	Do.
Do.	Assault with a rock with intent	
July 18, 1940	Disorderly and offensive; Dis.	
Feb. 26, 1941	Drunk and disorderly; Dis.	
Do.	Deserter from Army	
Apr. 29, 1941	Vagrancy and loitering	Do.
June 8, 1941	Drunk and disorderly	
Sept. 24, 1941	Vagrancy and loitering	Do.
Oct. 1, 1941	do.	Do.
May 15, 1946	Held for United States authorities, Narcotics Division	
Aug. 19, 1948	Drunk and disorderly	\$10.
June 19, 1949	Loitering disorderly house	\$5.
Dec. 6, 1950	Disorderly	Do.
June 13, 1952	Receiving and concealing	Dismissed.
Aug. 30, 1952	Disorderly and offensive	\$25; suspended.
Jan. 10, 1953	Disorderly conduct	\$5.
Feb. 12, 1954	Drunk	Do.
May 4, 1955	Drunk and disorderly	\$10.
Jan. 15, 1956	Vagrancy	C.C.
Do.	Loitering	Dismissed.
Jan. 28, 1957	Drunk on street	\$5.
Do.	Vagrancy and loitering	\$25.
May 16, 1957	Assault and battery	\$50.
Do.	Assault with auto/intent C. C. DWI	Do.
Aug. 17, 1957	Vagrancy	\$25.
Nov. 1, 1957	do.	Pending.

The CHAIRMAN. You identified him as the man you saw in the car?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. You were not able to identify the driver?

Mr. CHAPMAN. No, sir.

Mr. KENNEDY. Now you returned home?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Did you hear the explosion that evening?

Mr. CHAPMAN. Yes, sir; I did.

Mr. KENNEDY. That was about 10 o'clock that you heard the explosion?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. In other words, about an hour or hour and a half after you passed this car the explosion occurred?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Were you ever called before any grand jury?

Mr. CHAPMAN. No, sir.

Mr. KENNEDY. And you were interviewed by the police, you selected these pictures, but you were never called before any grand jury?

Mr. CHAPMAN. Just the man they assigned to the case interviewed me.

The CHAIRMAN. In other words, a couple of detectives or policemen that they had assigned to the case interviewed you.

Mr. CHAPMAN. Just the detective.

The CHAIRMAN. He is the one that presented the pictures to you and you identified these two out of the group of pictures?

Mr. CHAPMAN. Yes, sir.

Mr. KENNEDY. Nobody from the district attorney's office?

Mr. CHAPMAN. No, sir.

Mr. KENNEDY. No assistant district attorney?

Mr. CHAPMAN. No, sir.

The CHAIRMAN. You were only interviewed one time?

Mr. CHAPMAN. Interviewed 3 or 4 times, sir.

The CHAIRMAN. Did you give them the same information each time?

Mr. CHAPMAN. Yes, sir.

The CHAIRMAN. Thank you very much, Mr. Chapman. You may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Luther C. Hargis.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HARGIS. I do, sir.

TESTIMONY OF LUTHER C. HARGIS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. HARGIS. My name is Luther C. Hargis. I am 32 years old. I live at Corryton, Tenn., route 2.

The CHAIRMAN. Corryton?

Mr. HARGIS. Corryton, route 2. I am employed by Carbon Nuclear Corp., Oak Ridge, Tenn.

The CHAIRMAN. Thank you very much.

You waive your right to an attorney to represent you while you testify?

Mr. HARGIS. I do, sir.

The CHAIRMAN. Thank you very much.

You may proceed.

Mr. KENNEDY. Mr. Hargis, you were in the vicinity of Powers Grocery Store on the night of September 6, 1956, the night of the explosion or dynamiting?

Mr. HARGIS. On the night of the explosion, approximately, I would say 10 o'clock, I was going to get a pack of cigarettes in a neighboring store which is across the street from Mr. Powers. I was walking down the street toward the store approximately in the middle of the block. I noticed at that time a car was parked in Mr. Powers' parking lot, headed toward the store. At that time, I noticed a man get out of the car, walk toward the store and stop some little distance from the store—I would say 10 or 12 feet. Apparently, he sensed that I was behind him or he heard something; I don't know. He turned and when he did turn, by what visibility I did have I noticed him put his hand up. When he did I noticed a light reflection at the side of his head.

I continued on, and he come back and got in the car and the car left. So I went on down, got my cigarettes and came back to my home, which is on the corner. At that time, I lived at 3343 McCalla Avenue.

I went in the house. My wife and boy had already gone to bed. So I left the television on. Then I turned it off and I went in and I went to bed. We had a large collie dog and he barked right smart at anything that might occur or be around. I noticed he was barking. I was sleeping next to the street. There was a street light on the corner.

I raised up, and the window was up, it wasn't too cold at that time of the year, and I looked out of the window. I saw this car, that I thought was the same car, come down the street by my window or on down toward Mr. Powers' supermarket.

The CHAIRMAN. How far was it from the window to the street where the car passed?

Mr. HARGIS. Somewhere in the neighborhood of 50 feet. A very short time after that then I heard the explosion and I felt it, too. In fact, I thought it was under my house.

So I got up as quickly as possible to see what had occurred and I went down.

Mr. KENNEDY. Were you able to identify this man that you saw that night just prior to the explosion?

Mr. HARGIS. The detectives, Detective Swanner and Detective Hudson, I believe were the names; I believe it was in the next week, brought some pictures by and asked me if any of those pictures they had resembled the man I saw. I looked at them and I picked out the picture.

The CHAIRMAN. You picked out for them a picture?

Mr. HARGIS. I picked out a picture that I thought resembled the man that I saw that night.

The CHAIRMAN. We present to you there exhibit No. 12 which has three pictures of an individual. Will you examine that exhibit and state whether you recognize the man in the picture or whatever you can state about it.

Mr. HARGIS. I would say that these pictures are of the same man I saw before.

The CHAIRMAN. Is that the picture of the same man you identified to the detectives?

Mr. HARGIS. That is the picture of the same man that I identified to the detectives.

The CHAIRMAN. Some few days after?

Mr. HARGIS. Yes, sir; that is the one I told them I thought it to be.

Mr. KENNEDY. Mr. Chairman, I might also point out that once again this Mr. W. A. Smith from Nashville, Tenn., wears a hearing aid and it might very well have been the hearing aid that this witness saw reflected in the light at that time.

The CHAIRMAN. You saw something by the side of his face that was reflected in the light?

Mr. HARGIS. Yes; I did.

Mr. KENNEDY. You were interviewed by Mr. Duffy of the staff of this committee?

Mr. HARGIS. Yes; I was.

Mr. KENNEDY. And Mr. Duffy asked if you could pick out this individual personally; is that right?

Mr. HARGIS. Yes; that is true.

Mr. KENNEDY. You stood outside the courthouse in Nashville, Tenn.?

Mr. HARGIS. I stood inside the courthouse in Nashville, Tenn.

Mr. KENNEDY. You stood inside the courthouse?

Mr. HARGIS. Yes. I was there approximately 45 minutes or an hour and he asked me when the man comes by would I let him know. When he did come by I recognized the man and I stepped around the corner to keep him from knowing me being there. Mr. McShane came down and I went back up with him.

Mr. KENNEDY. But you picked this man out at that time as he was walking into the courthouse?

Mr. HARGIS. Yes, I did.

The CHAIRMAN. You picked him out. You did not know who was going to come along?

Mr. HARGIS. No. I picked him out from the resemblance of the night I saw him at the supermarket.

The CHAIRMAN. In other words, you had not seen him since?

Mr. HARGIS. No, I hadn't.

The CHAIRMAN. When did you identify him or recognize him in the courthouse? How long ago was that?

Mr. HARGIS. I believe it was in June.

The CHAIRMAN. That would be about a year afterward? You had not seen him from October 1956?

Mr. HARGIS. September.

The CHAIRMAN. September 6, when the dynamiting occurred. You saw him on the night the dynamiting occurred?

Mr. HARGIS. Yes, sir.

The CHAIRMAN. That was September the 6 and you had not seen him any more until you saw him in the courthouse at Nashville in June this year?

Mr. HARGIS. Yes, sir.

The CHAIRMAN. You were able to recognize him from people coming and going into and from the courthouse?

Mr. HARGIS. Yes; I picked him out. And I saw his picture of course.

The CHAIRMAN. You had seen his picture?

Mr. HARGIS. Yes.

The CHAIRMAN. But other than the picture that you had picked out of a group that the detective had presented to you, you had not seen the man?

Mr. HARGIS. No.

The CHAIRMAN. But you picked out his picture from a group as the man you saw and recognized there at the store that night of the dynamiting?

Mr. HARGIS. Yes.

The CHAIRMAN. Then, after having selected his picture some weeks after the dynamiting, you then had not seen him or seen a picture of him or anything until you recognized him again as he went into the courthouse at Nashville.

Mr. HARGIS. That is right. I picked him out from the visibility at night. Of course, I had to take all that into consideration.

The CHAIRMAN. Did you learn what his name was?

Mr. HARGIS. I was told that it was W. A. Smith.

The CHAIRMAN. I guess we can take this picture and get Mr. Smith here and look at the picture and look at him and pretty well draw our own conclusions as to whether it is W. A. Smith.

Is there anything else?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much, Mr. Hargis. Stand aside. Call your next witness.

Mr. KENNEDY. Mr. James B. Bridges.

The CHAIRMAN. Mr. Bridges, will you come around, please, sir? You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRIDGES. Yes, sir.

TESTIMONY OF JAMES B. BRIDGES

The CHAIRMAN. What is your name, your place of residence, and your business or occupation?

Mr. BRIDGES. James B. Bridges. Home address 712 Benson Avenue, Nashville, Tenn. I am with the Nashville Police Department, city detective and automobile-theft division.

The CHAIRMAN. You waive counsel, I assume, Mr. Bridges?

Mr. BRIDGES. Yes, sir.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. I might say, before we start, that this witness' testimony does not have any direct relationship to the testimony of the three preceding witnesses, but is a matter that will be of some interest to the committee.

The CHAIRMAN. All right.

Mr. KENNEDY. You have been in the police department for how long?

Mr. BRIDGES. A little bit over 19 years.

Mr. KENNEDY. In 1955, you were with the automobile-theft division of the police department?

Mr. BRIDGES. Yes, sir.

Mr. KENNEDY. In November of 1955, specifically on November 21, 1955, was there a complaint made to you regarding a car that appeared to have been stolen?

Mr. BRIDGES. Yes.

Mr. KENNEDY. Will you tell the committee about that?

Mr. BRIDGES. On November 21, in the afternoon, 1955, we received a complaint in our office of an automobile in the alley between Fourth and Fifth—that is right off Fifth Avenue on the outside of the Shriner Auditorium—of an automobile that was suspicious, had been there 2 or 3 days, and they would like to have it investigated.

That complaint came from a Mr. Dingley, of a paint company on the South Side. I was working at that time by myself. Of course, there were a couple of us assigned together, but that happened to be the day my partner was off, this particular time.

On arriving about 3 p. m., I found this automobile. Of course, it is our duty in an investigation to check the automobile thoroughly. On checking this automobile, I found it to be a 1951 Mercury, a grayish green, having one license plate, 1-36769. I immediately, of course, made a thorough investigation.

The next thing is to check the motor number of the automobile. I found the motor number to be 51D826568M. Of course, on a thorough investigation further, I found a book, a teamsters local-union book laying on the floorboard of this automobile.

In checking the trunk of the automobile, I found a box of Hercules exploding caps, dynamite caps, about 10 or 12. I guess in all there were 2 dozen of them, with about 30 feet of wire. Also, there was about a 10-pound sack of dog food and a couple of sacks of unshucked corn. Of course, on finding this—of course, the dog food was opened—I didn't know at the time whether it would be chip dynamite or not. Not being an expert on explosives, I immediately notified my superior, Chief Ritter, chief of detectives. He asked me to bring this automobile to headquarters, which I did on this afternoon. He had it impounded. We removed the dynamite caps and dog food and the book.

Mr. KENNEDY. Did you also find copper wire?

Mr. BRIDGES. No; I didn't get any copper wire, except this attachment. There was about 30 feet of wire attached to the caps.

Mr. KENNEDY. There was wire found; 30 feet of wire?

Mr. BRIDGES. Yes, sir. Immediately, then, after notifying the chief of detectives, he ordered this car impounded and held for further investigation. Then my job immediately was to take this automobile and run it through our motor-vehicle division of the State. On checking it through the State, I found this automobile—it took some time, of course—being listed to Mr. McChaffin, of Route 2, Cookeville, Tenn., with a lien on this with the First Citizens Bank of Cookeville, but it had been retired.

Further investigation, of course, showed that this had been sold, and somehow it had gotten back to a used-car lot, which I found out later. In checking this automobile license plate that was on the automobile, 1-36769, I found that to be listed to a 1951 Chevrolet, to a William A. Smith, in Donelson, Tenn. Motor No. JAM-393932 clarified it on both ends of the motor number and of the license number.

Mr. KENNEDY. So, there was a great deal of confusion as to the license plate and as to the automobile itself, as to whose name it was registered in; is that right?

Mr. BRIDGES. That is right.

Mr. KENNEDY. There were very suspicious circumstances surrounding the ownership of the automobile.

Mr. BRIDGES. That is right. Of course after that, Chief Ritter and I carried this evidence to the attorney general, General Loser at that time, now Congressman Loser, where he proceeded with the investigation.

I swore out a warrant on this W. A. Smith for violating the registration law. After that warrant was sworn out, I was out of town at the time this came up, and we were looking for William A. Smith. His attorney, Mr. Osborne, came to the police station, the detective

division, with an order from General Loser, for the release of the automobile, as he had shown ownership.

Investigating it, I had found he had traded this 1951 Chevrolet to a Jimmie Dye, who deals in used cars on Lafayette Street, for this Mercury. Of course, it was turned over and, also, the warrant was served on W. A. Smith at that particular time and he was carried to the county jail. That is the end, so far as I know, of the investigation.

Mr. KENNEDY. There were very suspicious circumstances surrounding the license plate of the automobile; is that right?

Mr. BRIDGES. Yes.

Mr. KENNEDY. There were suspicious circumstances surrounding the location of the automobile; the automobile when searched was found to have dynamite caps and wire, over two dozen dynamite caps; is that right?

Mr. BRIDGES. Yes, sir.

Mr. KENNEDY. Now tell me, after those facts, what was Mr. W. A. Smith's general reputation in your city?

Mr. BRIDGES. Not so hot.

Mr. KENNEDY. Was it generally understood that the dynamiting, that the violence that had taken place in your city was, at least partially, the responsibility of Mr. Smith?

Mr. BRIDGES. That was the general knowledge; yes, sir.

Mr. KENNEDY. Under all these circumstances, what happened to Mr. Smith in connection with this?

Mr. BRIDGES. After the warrant was sworn out my understanding from checking the disposition of the case, it was carried to the court in general sessions court, Judge Brown Taylor presiding.

Mr. KENNEDY. What happened?

Mr. BRIDGES. This case was dismissed. They had two cases the same. I understand the man was arrested, this Smith, for violating the registration law, but this case was dismissed. I never was called to court on it. I never was subpoenaed.

Mr. KENNEDY. That was the end of it?

Mr. BRIDGES. That was the end of it.

Mr. KENNEDY. You were never asked to further investigate Mr. Smith to try to find out if there was any connection between these dynamite caps, the evidence that you found, and the dynamiting that had taken place in your city?

Mr. BRIDGES. Nothing except turning it over to the attorney general where his investigation picks up from there.

Mr. KENNEDY. Beyond that you never heard anything from that?

Mr. BRIDGES. No, sir.

Mr. KENNEDY. It was turned over to the attorney general and you never heard anything further about it?

Mr. BRIDGES. That's right.

Mr. KENNEDY. And the case was dismissed?

Mr. BRIDGES. The case was dismissed on this violation.

The CHAIRMAN. Is it a violation of the law to possess dynamite?

Mr. BRIDGES. At that time it was not a felony to possess dynamite caps or dynamite even. Since that time we have had an amendment in the legislature that it is a felony now to possess any part of that.

The CHAIRMAN. Was it a misdemeanor at that time?

Mr. BRIDGES. Nothing but a misdemeanor. You would have to prove the purpose of it to be a misdemeanor.

The CHAIRMAN. Was there a violation of the law? You said the case was dismissed. I mean on the evidence you had was there a violation of the law at that time?

Mr. BRIDGES. No, sir.

The CHAIRMAN. Then there was no case.

Mr. BRIDGES. No case on the registration law of having this owned, but the man was not in the car I imagine is the reason of the judge's dismissal.

The CHAIRMAN. You have passed a law since that time?

Mr. BRIDGES. Yes, sir; we have.

The CHAIRMAN. I saw here in the record yesterday where he was fined \$2.50.

Mr. BRIDGES. I believe this is another officer that had that case.

The CHAIRMAN. That is another case?

Mr. BRIDGES. That is right.

The CHAIRMAN. That is not this case?

Mr. BRIDGES. That is right.

The CHAIRMAN. I present to you here a photograph to see if you identify it, please.

(A document was handed to the witness.)

Mr. BRIDGES. Yes, sir; I recognize it.

The CHAIRMAN. Do you recognize it?

Mr. BRIDGES. Yes, sir.

The CHAIRMAN. State what it is.

Mr. BRIDGES. These are dynamite caps and dog food, and the license plate.

The CHAIRMAN. That may be made exhibit No. 14.

(Photograph referred to was marked "Exhibit No. 14" for reference and may be found in the files of the select committee.)

The CHAIRMAN. This is of the car you referred to?

Mr. BRIDGES. Yes, sir.

The CHAIRMAN. The one you have been testifying about?

Mr. BRIDGES. Yes, sir.

Mr. KENNEDY. What did you say about the fact that he was not in the car at the time? What did that have to do with this?

Mr. BRIDGES. He was not in the car at the time of the automobile being picked up by myself.

Mr. KENNEDY. What if he had been?

Mr. BRIDGES. Then he would automatically have been violating the registration law, of operating a vehicle. That is what we call for the purpose of camouflaging a stolen ownership of the automobile.

Mr. KENNEDY. That would be just the registration aspect of it.

Mr. BRIDGES. Yes, sir.

Mr. KENNEDY. I would like to point out, Mr. Chairman, that according to the witness' own testimony, there were all of these suspicious circumstances surrounding this automobile, as well as the fact that Mr. Smith was tied up with the dynamiting at least to public knowledge of the dynamitings in the city, and after this occurred there were further dynamitings in the city, and yet, as far as his information is concerned,

there was no further investigation made of this whole matter, although they found all these dynamite caps and wire in the trunk of Mr. Smith's car.

The CHAIRMAN. There were other dynamitings occurring in the area there after this?

Mr. BRIDGES. After this I understood there was, sir.

The CHAIRMAN. You didn't investigate those?

Mr. BRIDGES. No, sir, that was not in my division. I was assigned to this particular auto theft division.

Mr. KENNEDY. This is the same Mr. W. A. Smith who has been identified at the place of the dynamiting in the city of Knoxville, for instance, in 1956?

The CHAIRMAN. All right. Thank you very much.

Mr. KENNEDY. The next witness is Detective G. T. Thompson.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. THOMPSON. I do.

TESTIMONY OF G. T. THOMPSON

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. THOMPSON. My name is G. T. Thompson. I live at 1314 Northern Avenue, Nashville, Tenn. I work out of the sheriff's office.

The CHAIRMAN. You are a deputy sheriff?

Mr. THOMPSON. Yes, sir.

The CHAIRMAN. Thank you.

Do you waive counsel?

Mr. THOMPSON. Yes, sir.

Mr. KENNEDY. On November 25, 1955, were you in Nashville, Tenn.?

Mr. THOMPSON. Yes, sir.

Mr. KENNEDY. Did you make an arrest at that time?

Mr. THOMPSON. Yes, sir.

Mr. KENNEDY. Would you tell the committee about that?

Mr. THOMPSON. We were—my partner and myself—were just driving around the city as we usually do our patrol jobs, and I noticed this 1951 Chevrolet going down Fifth Avenue, and I couldn't find a license plate on it anywhere, and so I pulled him over.

After pulling him over, he starting hollering about "I have got a license. I have got a license." He had a license laying face down right behind the back seat, which no one could see.

I was suspicious of it because I knew the fellow.

The CHAIRMAN. You knew the man?

Mr. THOMPSON. I knew the man; yes, sir. I have seen him a number of places and a number of times.

The CHAIRMAN. What would be his name?

Mr. THOMPSON. W. A. Smith.

I picked up my microphone and I called the dispatcher, and I checked that license number, and it was listed to W. A. Smith, on a 1951 Chevrolet.

In the meantime, the dispatcher said, "I have a stolen report on a 1951 Mercury with that same license." So instead of just giving him a citation to be in court on a registration law for just having one license, and it not showing, I carried him in. I contacted the attorney general's office and Mr. Jim Richardson, and he in turn contacted Attorney General Loser, and so they impounded the car.

The next day we went out to this garage where it was taken, and we went through the car, and we found 2 rolls of wire, and some dog food, 1 cloth glove, and a punch, just a regular punch.

The CHAIRMAN. What is that punch used for?

Mr. THOMPSON. Well, I have seen it used to drill holes or knock holes in things. Of course, it can be used for a number of things. But it had been used quite a bit. It was pretty roughed up. Of course, I charged him with the registration law, and he made a bond that night.

Of course, the case came up later, and he fought in court on it, but I beat him and I got him the minimum fine of \$2.50 and costs.

The CHAIRMAN. Is that the one where he got the \$2.50 fine?

Mr. THOMPSON. Yes, sir.

The CHAIRMAN. That is a pretty stiff penalty for violating the law and carrying dynamite around, and dynamite caps, and so forth, for the purpose of committing violence against other people's property. That seems to be a rather weak penalty, may I say.

Of course, if that is the law, that is the law. I don't question that.

But I just marveled yesterday when I saw this record. If it is any crime at all, it seems to me it is of greater magnitude than a \$2.50 fine.

Mr. KENNEDY. That was before Judge Taylor; is that right?

Mr. THOMPSON. That is right.

Mr. KENNEDY. And he was fined \$2.50 plus costs, and you found the dynamite caps and the battery and the roll of connecting wire; is that right?

Mr. THOMPSON. That's right.

Mr. KENNEDY. Did you ever interview Mr. Smith as to how he was using this dynamite?

Mr. THOMPSON. No, sir; I didn't. I turned the case over to the attorney general's office, and I went with Mr. Richardson, who was with attorney general's office, and I found this stuff and got it out and turned it over to the office, and he was supposed to make an investigation. Whether he did or not, I don't know.

Mr. KENNEDY. Do you know if he was ever interviewed as to how he was using this dynamite?

Mr. THOMPSON. Not that I know of; no, sir.

Mr. KENNEDY. So there you found within 4 days of one another, the police department was able to find in 2 separate cars of Mr. Smith, both proceeding under suspicious circumstances, 2 separate cars, you found a good deal of dynamite equipment; is that not right?

Mr. THOMPSON. That is correct.

Mr. KENNEDY. And the result of both of these arrests was fines of \$12.25 or a fine and costs of that amount.

Now, did you know of Mr. Smith's general reputation in the State of Tennessee?

Mr. THOMPSON. Yes. Of course, whatever way you might bring it out, he does have a pretty bad reputation.

Mr. KENNEDY. He has been tied up, at least publicly, with the dynamitings that have taken place in the State of Tennessee over the period of the last 3 or 4 years; has he not?

Mr. THOMPSON. Well, every time one is dynamited, you can always hear talk of Smith.

Mr. KENNEDY. Now, this is some year and a half later, when this equipment was found in his car, and there were a good deal of dynamitings later. For instance, Mr. Powers' store was dynamited at the end of 1956, and it seems incredible—and I am not blaming you at all—but it just seems incredible that something further was not done at that time, when all of this evidence was found in his possession.

But you were not instructed to follow it up at all yourself?

Mr. THOMPSON. No, sir; we had no instructions on it whatsoever.

Mr. KENNEDY. You never heard anything further about the case?

Mr. THOMPSON. Nothing other than just the traffic violation which we did make a case on.

The CHAIRMAN. Who claimed the car, and who finally got the cars, both of them?

Mr. THOMPSON. Of course, they held this Chevrolet for several days there, and finally they turned it back over to Smith. Smith went and got the car.

The CHAIRMAN. And he also got the Mercury, and he got the Chevrolet?

Mr. THOMPSON. I don't know about the Mercury.

The CHAIRMAN. I believe that was the testimony of the preceding witness.

Mr. THOMPSON. I feel sure that that is right, but I do know he got the Chevrolet.

Mr. KENNEDY. There is a peculiar circumstance about that, because, as I understand it, the Chevrolet was supposed to have been traded into this Jimmie Dye's second-hand place, for the Mercury, and yet both cars end up in the possession of Mr. W. A. Smith.

Mr. THOMPSON. Yes, sir.

Mr. KENNEDY. Was that ever pursued to find out what further information could be obtained on that?

Mr. THOMPSON. I didn't follow that up because I had nothing to do with the Mercury whatsoever.

Mr. KENNEDY. Was there any coordination between the information that your other police officer found, and what you found out?

Mr. THOMPSON. No, sir.

Mr. KENNEDY. We have all of these threats, the dynamitings that occurred immediately after the threats, and the testimony of Mrs. Freels that this was common knowledge in the headquarters of the teamsters, that these dynamitings were taking place, and these individuals were responsible for it, and then we have here these two police officers that testified the dynamiting equipment was actually found in the car of Mr. W. A. Smith.

Yet, as of this date, W. A. Smith and these other teamster officials, except for Mr. Reynolds, still hold their same positions, are not either removed by the teamsters or in jail by the authorities of Tennessee.

The CHAIRMAN. I think Mr. Reynolds, according to the testimony, is on probation, and if he can stay out of the penitentiary for a year, he was to be rewarded; is that not correct?

Mr. KENNEDY. If he could stay out of the penitentiary for a year he is going to get another teamster local.

The CHAIRMAN. Thank you very much, Mr. Thompson.

Call the next witness.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. The committee will stand in recess until 10:30 Monday morning.

(Thereupon, at 11:45 a. m., the committee recessed, to reconvene at 10:30 a. m., Monday, December 9, 1957.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, DECEMBER 9, 1957

UNITED STATES SENATE, SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD, *Washington, D. C.*

The select committee convened at 10:30 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Pat McNamara, Democrat, Michigan; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; LaVern J. Duffy, investigator; James P. McShane, investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session: Senators McClellan, Ives, McNamara, and Curtis.)

The CHAIRMAN. Call your first witness.

Mr. KENNEDY. Mr. Robert McDowell.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McDOWELL. I do.

TESTIMONY OF ROBERT McDOWELL, ACCOMPANIED BY HIS COUNSEL, OLIN WHITE

The CHAIRMAN. State your name, your place of residence and your business or occupation.

Mr. McDOWELL. Robert McDowell, Nashville, Tenn.; my business is McDowell & McDowell, contractors.

The CHAIRMAN. Mr. McDowell, do you have counsel?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. Mr. Counsel, will you identify yourself for the record?

Mr. WHITE. Olin White, attorney from Nashville.

The CHAIRMAN. Proceed.

Mr. KENNEDY. What is your kind of business, Mr. McDowell; what sort of business do you operate?

Mr. McDOWELL. We are primarily highway contractors.

Mr. KENNEDY. Excavating and road construction work?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. In 1953, did the teamsters come in and attempt to organize your drivers?

Mr. McDOWELL. Yes, sir, they did.

Mr. KENNEDY. When was the first conversation that you had with any representatives of the teamsters union?

Mr. McDOWELL. Well, it was, I think, in June of 1953 when Mr. Smith came out and wanted us to sign a contract.

Mr. KENNEDY. That is W. A. Smith?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. He was a business agent of the teamsters local, is that right?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. How many drivers did you have at that time?

Mr. McDOWELL. I don't remember, probably 25 or 30.

Mr. KENNEDY. 25 or 30 drivers?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. What position did you take with Mr. Smith regarding signing the union contract.

Mr. McDOWELL. Well, we wanted our lawyer to read over the contract before we signed it. We didn't want to sign it unless the majority of our employees wanted it.

Mr. KENNEDY. Did he say he had a majority of the employees?

Mr. McDOWELL. Well, I don't remember whether he claimed he had a majority or not, but he insisted that we sign it.

Mr. KENNEDY. So you said you wanted to submit it to your lawyer and you did submit it to your attorneys, did you not?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. And your attorneys gave you some advice on it?

Mr. McDOWELL. Well, our attorneys said or advised us not to sign it because he thought it was a closed-shop agreement, and he told us that that was in violation of Federal and State laws.

Mr. KENNEDY. Did you pass that on to Mr. Smith?

Mr. McDOWELL. Yes, we told him.

Mr. KENNEDY. Did you have a number of conversations following that with Mr. Smith?

Mr. McDOWELL. Yes, sir, he came out very frequently.

Mr. KENNEDY. What was his general position and his general demeanor when he came to visit you and talked about this contract?

Mr. McDOWELL. Well, he talked a little rough sometimes, in front of the girls in the office, and he was very arrogant and insisted we sign it and sort of upset our office routine a little bit.

Mr. KENNEDY. And he used profane language?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. On a number of different occasions, did he?

Mr. McDOWELL. Yes, sir, quite a few times.

Mr. KENNEDY. Was there a picket line established before your place of business?

Mr. McDOWELL. Well, not around our office, but around this job we had with the TVA up at Gallatin, there was.

Mr. KENNEDY. That was your major job at the time, was it, at the TVA?

Mr. McDOWELL. That was one of our major jobs.

Mr. KENNEDY. And the picket line was put up around there, is that right?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. Did your truck drivers, working for your company, join in on that picket line, did they go out on strike?

Mr. McDOWELL. Well, our employees didn't actually walk on the picket line, but they would not cross the picket line and work, after the picket line was there.

Mr. KENNEDY. But, they were not participating actively in the picket line?

Mr. McDOWELL. None of our employees walked on the picket line and carried a banner.

Mr. KENNEDY. Did you ask the representatives of TVA that handled the labor problems for TVA—did you ask for their assistance in settling the strike?

Mr. McDOWELL. Well, the minute the work stopped, the TVA officials got in touch with us, and said they wanted to arrange a meeting with the union to try to work it out so that the job could go ahead. They arranged a meeting in Gallatin, in the Cordell Hull Hotel, between us and the union and the TVA, 3 parties were there.

Mr. KENNEDY. Will you tell us about the meeting?

Mr. McDOWELL. Well, Mr. Smith and Mr. Vestal of the union were supposed to be there, but Mr. Vestal didn't show up. Mr. Smith was the only one there. We thought that the purpose of the meeting was to negotiate, but Mr. Smith just presented the same contract which we refused to sign before, and said that that was it, and there were no negotiations, we either signed that one or else.

Mr. KENNEDY. The meeting broke up then?

Mr. McDOWELL. That is right.

Mr. KENNEDY. You obviously were not able to get along with Mr. Smith. Did you try or did you make a protest to any higher union officials regarding his bad use of language and his threats to you?

Mr. McDOWELL. Yes; the day before the picket line appeared in Gallatin, we called Mr. Vestal and asked him to come out to our office, and he did. We told him that we would like to work the matter out and we were unable to have much luck with Mr. Smith because he didn't seem to talk our language.

We wanted to negotiate with Vestal, but he said that Smitty was assigned to the case, and we had to talk to him, and he wouldn't talk to us about it.

Mr. KENNEDY. That is Mr. Don Vestal, president of local 327; that is right?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. Subsequently, after you had the meeting with Vestal, and then you had the meeting at the Cordell Hull Hotel, did you subsequently obtain a temporary injunction against picketing?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. In the courts?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. That was on June 12, 1953?

Mr. McDOWELL. Yes; along about that time.

Mr. KENNEDY. That was against any kind of picketing at all; is that right?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. What was the reason, or how were you able to obtain that injunction?

(The witness conferred with his counsel.)

Mr. McDOWELL. Well, there were some threats of violence on the picket line, and they told some of our employees that if they went across the picket line, they couldn't keep them from going along but they could make them sorry if they did, and we were afraid there would be violence, and we got an injunction.

Mr. KENNEDY. That injunction was modified somewhat later, in July 24, 1953?

Mr. McDOWELL. Yes; it was modified to permit peaceful picketing.

Mr. KENNEDY. During this period of time, June 12, 1953, and July 24, 1953, did you sign a contract with another union covering these employees?

Mr. McDOWELL. Yes, sir; we signed a contract with the United Construction Workers, District 50.

Mr. KENNEDY. That is John L. Lewis' local?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. District 50; is that right?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. That covered all of your employees?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. Did you have any difficulty or trouble with the union, the teamsters union after you had signed up with John L. Lewis' local?

Mr. McDOWELL. No; everything went along smoothly for a couple of months, up until Labor Day of 1953.

Mr. KENNEDY. What happened on Labor Day, 1953?

Mr. McDOWELL. That is when we had this dynamite put on our equipment and blew a lot of it up.

Mr. KENNEDY. Where was that equipment blown up?

Mr. McDOWELL. It was on this Government project there, at the Gallatin steam plant, the TVA.

The CHAIRMAN. Let me see if I understand. You had not been able to enter into a contract with the teamsters?

Mr. McDOWELL. That is right.

The CHAIRMAN. But you later entered into a contract with another union. What was the name of it?

Mr. McDOWELL. The United Construction Workers, affiliate of the United Mine Workers.

The CHAIRMAN. In other words, your men joined that union?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. And you were organized, and you were unionized?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. How long after you were unionized in that union, before this dynamiting occurred?

Mr. McDOWELL. Well, it was 6 weeks or 2 months, something like that.

The CHAIRMAN. Some 6 weeks or 2 months afterward?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. Did you have any warning, or had there been any trouble or any threats or anything to indicate that some violence was going to occur?

Mr. McDOWELL. No; we thought everything was in good shape, and we weren't expecting anything at that time.

The CHAIRMAN. Proceed.

I just wanted to get the record clear.

Mr. KENNEDY. Now, what was the loss in equipment and damages in that dynamiting that occurred, of your equipment?

Mr. McDOWELL. Approximately \$100,000.

Mr. KENNEDY. Did the police and sheriff's office and any other Government agencies come in to make investigations?

Mr. McDOWELL. Well, yes; there was some investigation. The county sheriff there in Sumner County, he made an investigation. The Tennessee Bureau of Investigation did. They made some investigation.

Mr. KENNEDY. You also tried to bring in the Federal Government; did you not?

Mr. McDOWELL. Yes; we called the FBI.

Mr. KENNEDY. Did you subsequently submit an affidavit or your attorney submitted a memorandum to the United States attorney in the district showing or attempting to show that the Federal Government had jurisdiction because this damage occurred on Government property?

Mr. McDOWELL. Yes, sir; when we first called them, they said that they could not have anything to do with the case, and then a few days later, they called back our attorney and told him if he could give them some jurisdiction, they would come in.

So he wrote them a letter and cited certain things that he thought gave them jurisdiction. He presented that letter to the United States deputy marshal, I think, or the district attorney. But we never heard any more from it.

Mr. KENNEDY. That case was never solved?

Mr. McDOWELL. No, sir.

The CHAIRMAN. You said this occurred on Government property?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. Give us the background of that. I don't quite understand that. You were building highways, as I understand it?

Mr. McDOWELL. It was an entrance road for the TVA, at the Gallatin steam plant. It was Government, if the TVA is considered Government.

The CHAIRMAN. Was your contract with the Government?

Mr. McDOWELL. It was with the Tennessee Valley Authority.

The CHAIRMAN. The Tennessee Valley Authority?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. And this dynamiting of your equipment took place on Labor Day of 1953; is that right?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. Approximately what time did the dynamiting occur?

Mr. McDOWELL. Well, it was sometime about 2 or 3 or 4:30 in the morning, I believe it was, sometime around there. It was before daylight.

Mr. KENNEDY. Did some of the dynamite fail to go off?

Mr. McDOWELL. Yes, sir; there was about 12 or 15 sticks wired on a power shovel, which failed to go off.

The CHAIRMAN. Wired on what?

Mr. McDOWELL. Wired on a power shovel.

The CHAIRMAN. Let me ask, was any Government property damaged by the dynamiting, any Government property?

Mr. McDOWELL. No.

The CHAIRMAN. It was all your private equipment?

Mr. McDOWELL. Yes; it was all our equipment.

Mr. KENNEDY. You took some pictures of the damage to the equipment and also the dynamite; is that true?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. The dynamite that was found; is that right?

Mr. McDOWELL. Yes.

Mr. KENNEDY. These are the pictures, Mr. Chairman.

The CHAIRMAN. I present you here four different pictures for your examination and identification.

(The documents were handed to the witness.)

The CHAIRMAN. Do you identify those pictures?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. What are they?

Mr. McDOWELL. Well, the first one is a picture of the dynamite which did not explode.

The CHAIRMAN. Now, that will be made exhibit 15A.

(The document referred to was marked "Exhibit 15A" for reference and may be found in the files of the select committee.)

Mr. McDOWELL. The other three pictures of the equipment in the condition it was in after the dynamite explosion on them.

The CHAIRMAN. Those three may be made exhibits 15, B, C, and D.

(The documents referred to were marked "Exhibits 15, B, C, D," respectively, for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Did you turn over this dynamite to the police officials, the dynamite that failed to explode? Was that examined by any of the law-enforcement officials?

Mr. McDOWELL. I think it was examined by the county sheriff there at Sumner County, and I don't think anyone ever took it away. I think we finally destroyed it ourselves.

Mr. KENNEDY. Did you feel there was a complete and thorough investigation in this matter?

Mr. McDOWELL. Well, of course, we were a little disappointed that nothing ever turned up. We felt like the case should have been solved.

Mr. KENNEDY. Did you have any other violence occur in connection with the work you were doing?

Mr. McDOWELL. Not on this particular project, but we later had some dynamite thrown on the roof of our office building. I think it was December 18, of the same year.

Mr. KENNEDY. What was the damage that occurred then?

Mr. McDOWELL. It blew a hole through the roof of our office, about \$1,200 worth of damage.

Mr. KENNEDY. Did you also find some dynamite in this instance, that failed to go off?

Mr. McDOWELL. Yes, sir; we found two homemade bombs, on top of our building, which had failed to go off. They had apparently been there for some time.

The CHAIRMAN. Is this loaded? Do you recognize this? What do you call that?

Mr. McDOWELL. Well, it is a homemade bomb, that is all I know to call it, and right now it is just a piece of pipe. But they had the dynamite inside.

The CHAIRMAN. There is no dynamite in it now?

Mr. McDOWELL. No. There is a hole here where the fuse came out. I imagine it was put in this, so that when they threw it, it would go through a window.

Senator CURTIS. Are you familiar with dynamite?

The CHAIRMAN. Let us get it in the record. Is that the identical bomb that you found?

Mr. McDOWELL. This is one of them; yes, sir.

The CHAIRMAN. On the roof?

Mr. McDOWELL. Yes, sir.

The CHAIRMAN. That may be made exhibit No. 16.

(The object referred to was marked "Exhibit No. 16" for reference and may be found in the files of the select committee.)

The CHAIRMAN. We will have to make that for reference only, I believe.

Mr. McDOWELL. There was another one just like this.

Senator CURTIS. What would be the potential damage of that if it went off in a building occupied by workmen or other individuals?

Mr. McDOWELL. Well, it would have the same effect as a grenade, I think.

Senator CURTIS. How much destruction could that bring about?

Mr. McDOWELL. Well, the one that exploded brought about \$1,200 worth of property damage, and it could kill somebody if there was anybody around it. It happened when there was nobody in the office.

Senator CURTIS. Could this wreck a building or a part thereof?

Mr. McDOWELL. I wouldn't think it could totally wreck one, but it could do a lot of damage to it. It would only hold about 2 or 3 sticks of dynamite, at the most. When it exploded it would do like shrapnel from a hand grenade.

Senator CURTIS. It could kill people?

Mr. McDOWELL. I think it would, if anyone was close to it when it went off.

Senator CURTIS. That is all.

Mr. KENNEDY. Now, did you connect these acts of violence with your dispute with the teamsters union?

(The witness conferred with his counsel.)

Mr. McDOWELL. We felt that it arose out of those disputes, because we didn't have any disputes with anybody else, and they were the only ones we were having any misunderstandings with.

Mr. KENNEDY. Did you report that to the law-enforcement agencies, and you felt that at the time, did you not?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. In 1953, you reported that to the law-enforcement agencies?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. Do you know if anybody was ever arrested in connection with this?

Mr. McDOWELL. No, sir.

Mr. KENNEDY. Did you report to them the conversations that you had with W. A. Smith?

Mr. McDOWELL. Yes, sir.

Mr. KENNEDY. And you reported that at the time, in 1953, when these dynamitings occurred?

Mr. McDOWELL. Yes, sir.

Senator CURTIS. This incident of this homemade bomb that we have just looked at, to whom did you report that?

Mr. McDOWELL. Well, I don't remember the particular individual, but it was reported to the Davidson County sheriff's office and the city of Nashville Police Department, and Tennessee Bureau of Investigation, and the Federal Bureau of Investigation.

Senator CURTIS. How soon after it was discovered was this report made?

Mr. McDOWELL. We reported it immediately.

Senator CURTIS. What branch of the law-enforcement machinery took possession of the homemade bomb?

Mr. McDOWELL. It seemed to me like one of the deputy sheriffs took it and brought it back the same day. I think the deputy sheriff was the only one who examined it, to the best of my knowledge.

Senator CURTIS. Do you know whether they took any fingerprints of it?

Mr. McDOWELL. No, sir, I don't.

Senator CURTIS. Did they unload it or did you do that?

Mr. McDOWELL. I believe we had someone in our organization that was familiar with dynamite, and we had him take the dynamite out so it would not hurt anybody.

Senator CURTIS. Was this before or after you turned it over to the sheriff?

Mr. McDOWELL. It was after the officers had looked at it. We let them see it in the exact condition that we found it in.

Senator CURTIS. But did they take it from the premises?

Mr. McDOWELL. The best I can remember, they did. I think they took it that morning and brought it back that afternoon.

Senator CURTIS. To your knowledge, what persons, if any, did they pick up and question about this?

Mr. McDOWELL. I don't know of them questioning anybody about it, myself.

Senator CURTIS. Do you think they did?

Mr. McDOWELL. I don't think they did. At least, if they did, it was not public information.

Senator CURTIS. That is all.

Senator McNAMARA. Mr. Chairman, I have a couple of questions.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. You indicate that somebody in TVA arranged a meeting between you and the representatives of the teamsters union?

Mr. McDOWELL. Yes, sir.

Senator McNAMARA. Who arranged the meeting? Who were the people in TVA? Do you remember the man's name?

Mr. McDOWELL. I don't remember the man's name. His title was—what was it?

(The witness conferred with his counsel.)

Mr. McDOWELL. Labor conciliator or labor relations man or public relations man or something.

Senator McNAMARA. You think he was officially connected with TVA?

Mr. McDOWELL. Yes.

Senator McNAMARA. Where was the meeting held?

Mr. McDOWELL. It was in the basement of the Cordell Hull Hotel in Gallatin, Tenn.

Senator McNAMARA. When the United Construction Workers, a division of the United Mine Workers, came into the picture, how did they come into the operation? Did you send for them or did they just appear on the scene? How did they get into it?

Mr. McDOWELL. Well, they had contacted us on several previous occasions, wanting us to sign up with them. They came to us again after this happened, and we thought we would give them a try. So we told them if the men wanted to sign up, it would be all right with us. They sent a man around to see the men, and most of them signed up.

Senator McNAMARA. They approached you? They got your permission to approach your organization to sign them up?

Mr. McDOWELL. Yes.

Senator McNAMARA. Did they have a uniform contract that you agreed to go along with?

Mr. McDOWELL. Yes. We signed a contract with the UCW.

Senator McNAMARA. The first time they contacted you, before they went out to organize your employees?

Mr. McDOWELL. I believe we waited until they contacted the employees before we signed the contract, to see that the employees—

Senator McNAMARA. But you agreed in advance to go along with the terms of the contract?

Mr. McDOWELL. We agreed to sign the contract, if the employees signed up and wanted it.

Senator McNAMARA. Was there a difference in the wage scales between the teamsters contract and the United Construction Workers?

Mr. McDOWELL. The wage scale was set out in our contract with the Tennessee Valley Authority. We paid the same wage scale regardless of which union or whether or not we had any union.

(The witness conferred with his counsel.)

Mr. McDOWELL. Our dispute with the teamsters was not over wage scales. It was more over working conditions.

Senator McNAMARA. The working conditions were spelled out differently in the contract submitted by the United Construction workers?

Mr. McDOWELL. Yes, sir.

Senator McNAMARA. But the wage scale was no different, and after your employees became unionized, you paid the same scale as you did prior to that, is that right?

Mr. McDOWELL. Yes, sir.

Senator McNAMARA. Do you presently have a contract with the United Construction Workers?

Mr. McDOWELL. No. We have a contract now with the teamsters. Senator McNAMARA. With the teamsters. That is all, Mr. Chairman.

The CHAIRMAN. What I cannot understand is after you were unionized, the teamsters did not bother you any more, so far as making contact with you, and trying to negotiate a contract with you, did they?

Mr. McDOWELL. No.

The CHAIRMAN. What was the purpose of these bombings? Was it just revenge? If they did it as emanating from that trouble that you had or disagreement about signing a contract with them, what could be the motive? What could be the purpose, if you were already unionized?

(The witness conferred with his counsel.)

Mr. McDOWELL. Well, you see, we were unionized, but not with the teamsters. They had lost the contract. We were unionized with UCW, but not with the teamsters.

The CHAIRMAN. I understand that, but they did not come back to you after you were unionized and try to negotiate with you, did they? As I understand you, they did not.

Mr. McDOWELL. No, they did not contact us any after we signed with UCW.

(The witness conferred with his counsel.)

The CHAIRMAN. Is there anything further?

Mr. McDOWELL. The injunction held them off then, I think. The injunction was still in effect.

The CHAIRMAN. I see. Senator McNamara?

Senator McNAMARA. How come the switch from the United Construction Workers back to the teamsters? What brought that about?

(The witness conferred with his counsel.)

Mr. McDOWELL. Well, we later felt that it was in the best interests of our business to get back with the teamsters. We had some work under the jurisdiction of the National Building Trades Council which we could not do without belonging to the AFL.

Senator McNAMARA. Then the United Construction Workers did not claim jurisdiction in building work, but just on road construction? Was that the situation?

Mr. McDOWELL. The contract that we had with the United Construction Workers was on a job basis. We signed a contract just to cover that one project, and when we finished the job, that contract was no longer in effect unless we renewed it.

Senator McNAMARA. Now, you operate a union shop in agreement with the teamsters union as well as the building trades, is that the situation?

Mr. McDOWELL. Yes.

Senator McNAMARA. In the building trades, do you have separate contracts with various unions in the building trades?

Mr. McDOWELL. Yes, sir.

Senator McNAMARA. Negotiated through the Association of General Contractors? Is that the situation? Or do you do it individually?

Mr. McDOWELL. Well, it is not done through the association, but it is done more or less on an individual basis—

Senator McNAMARA. A regional basis?

Mr. McDOWELL. Yes.

Senator McNAMARA. Are you a member of the Associated General Contractors?

Mr. McDOWELL. No, we are a member of the American Roadbuilders Association.

Senator McNAMARA. But you do work in the building construction field as well as road construction?

Mr. McDOWELL. Yes, we do excavation in connection with buildings.

Senator McNAMARA. But you do not do any general contracting?

Mr. McDOWELL. Well, on a small scale, not on a large scale.

Senator McNAMARA. Do you mean 10 percent of your business or more?

Mr. McDOWELL. Probably 5 percent would be closer.

Senator McNAMARA. Thank you. That is all.

The CHAIRMAN. Did this bombing have anything to do with persuading you to join the teamsters?

Mr. McDOWELL. No. We joined the teamsters about 2 years ago when Ford Motor Co. started building a big glass plant in Nashville, and we had a large contract.

The CHAIRMAN. Who did you deal with in that contract? The same man? Was it Smith?

Mr. McDOWELL. Well, we had our dealings at that time with the president of the National Building Trades Council, and Smith was also there.

The CHAIRMAN. All right. Is there anything further?

Mr. KENNEDY. No.

The CHAIRMAN. Thank you.

Call the next witness.

Mr. KENNEDY. Mr. Elzie Clements.

(Members present at this point: Senators McClellan, Ives, McNamara, and Curtis.)

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CLEMENTS. I do.

TESTIMONY OF ELZIE R. CLEMENTS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. CLEMENTS. My name is Elzie R. Clements. My place of business is Strauss Avenue and Gallatin Road, Nashville, Tenn. My home address is 3005 Hilltop Avenue, Nashville.

Mr. KENNEDY. Your occupation?

Mr. CLEMENTS. Barber. I own and operate a barber shop.

The CHAIRMAN. You waive counsel, do you, Mr. Clements?

Mr. CLEMENTS. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Before we start, Mr. Clements, how big are you?

Mr. CLEMENTS. I am 5 feet 2½ inches and weigh 110 pounds.

Mr. KENNEDY. Were you having some difficulty with the barbers union back in 1953?

Mr. CLEMENTS. Yes, I was.

Mr. KENNEDY. It started at the beginning of 1953; is that right?

Mr. CLEMENTS. On or about near that.

Mr. KENNEDY. Some time in the beginning of 1953 or the end of 1952; is that right?

Mr. CLEMENTS. Right.

Mr. KENNEDY. And that culminated on December 18, 1953, with your store being dynamited; is that right?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. And your whole store was destroyed?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. Damaged to about \$5,000?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. Mr. Chairman, I would just like to point out that the dynamiting of Mr. Clements' store took place on December 18, 1953, which was the same day as the dynamiting of the previous witness' office place, December 18, 1953. Mr. McDowell's office was dynamited on the same day.

The CHAIRMAN. Are the buildings close together?

Mr. KENNEDY. They are both in Nashville.

The CHAIRMAN. They are both in Nashville?

Mr. KENNEDY. That is correct.

During the period of 1953, did you have have some of your windows broken and other threats made to you?

Mr. CLEMENTS. Yes, I did.

Mr. KENNEDY. Will you tell the committee about that?

Mr. CLEMENTS. I had my windows broken and my tools, my barber tools, clippers, razors, shears, all broken up, and my work benches broke up.

Mr. KENNEDY. How often did you have your windows broken?

Mr. CLEMENTS. Well, I had them broken three times altogether, and I can't say how close together.

Mr. KENNEDY. But three different instances?

Mr. CLEMENTS. Yes, with the windows, and one time the tools tore up.

Mr. KENNEDY. One time 2 windows and the other time 1 window?

Mr. CLEMENTS. No, the tools were tore up 1 time, and my windows were broken 3 times, but I can't say how close.

Mr. KENNEDY. The barbers union was under Mr. Sanders; was it?

Mr. CLEMENTS. Sanders, C. C. Sanders.

Mr. KENNEDY. He attempted to organize you?

Mr. CLEMENTS. Yes, sir, he wanted to organize me.

Mr. KENNEDY. And you had working for you at that time some four barbers, is that right, approximately.

Mr. CLEMENTS. I had 3 or 4.

Mr. KENNEDY. Three or four barbers working for you?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. You did not want to join the union. Could you tell the committee why you did not want to go into the union?

Mr. CLEMENTS. Well, in the first place, my barbers at that time was getting all they took in, and if there was three of them working they were paying a third of the expenses, and they did not want to join the union. I felt like I could not operate under them.

Mr. KENNEDY. They did not want to join the union. You had the arrangement that everything they took in, they kept, and they would split the expenses of the store; is that right?

Mr. CLEMENTS. That is right.

Mr. KENNEDY. They would split the expenses between them all?

Mr. CLEMENTS. Each man got what he took in on his chair, and then the expenses we split that between them.

Mr. KENNEDY. What was the difficulty with the union? Why didn't you want to join the union?

Mr. CLEMENTS. Why did I?

Mr. KENNEDY. Why didn't you want to join the union?

Mr. CLEMENTS. Well I was getting 50 cents for a haircut. That is when nearly everybody was getting 50 cents, and they just started to organize then. So I would have to change my prices, change my hours.

Mr. KENNEDY. Why would you have to change your prices?

Mr. CLEMENTS. I would have to have went to a union scale.

Mr. KENNEDY. What was the union scale?

Mr. CLEMENTS. I believe at that time, it was 75 cents.

Mr. KENNEDY. So if you joined the union, you would have to raise the price of a haircut to 75 cents?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. It was not a question of how much you were paying the barbers, but how much you would charge the people for getting a haircut?

Mr. CLEMENTS. Oh, no. In fact, my barbers didn't like it when I did join the union finally.

Mr. KENNEDY. You would have to raise the price of a haircut from 50 cents to 75 cents, if you joined the union?

Mr. CLEMENTS. Yes.

Mr. KENNEDY. Was that difficult for you in that area?

Mr. CLEMENTS. It was. You see, I have a lot of children that comes to my shop. I give them something, maybe a penny, a nickel, a dime, something just to show my appreciation that they would stop by. Well, I would have to quit that, because they would say it was unfair competition. Then I would have to change my hours. I was staying open until 8 o'clock. I would have to close at 6, and open up at 10. So I felt like I could not operate under that condition.

Mr. KENNEDY. During this year period, did they have a picket line out in front of your shop?

Mr. CLEMENTS. Well, they did not picket me until after the shop was blown up. They picketed my new shop, the one I got now.

Mr. KENNEDY. You rebuilt your old shop after it was dynamited?

Mr. CLEMENTS. Yes, sir, with the help of the neighbors around there. They put in and give me quite a bit, some \$5, some \$10, the churches give me some, \$15, \$20, and I finally got a new shop there.

Mr. KENNEDY. In the same location?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. Did you bring in a partner at that time?

Mr. CLEMENTS. Yes, sir. Well, I had a partner.

Mr. KENNEDY. Mr. Evans?

Mr. CLEMENTS. Harper, Mr. Roy Harper.

Mr. KENNEDY. Did you also bring in someone else at that time to assist you with the barbershop? Mr. Adams?

Mr. CLEMENTS. Well, when I was having that trouble, I did; yes.

Mr. KENNEDY. What was Mr. Adams to do? Was he in the police department?

Mr. CLEMENTS. Yes; he was.

Mr. KENNEDY. And he invested some money in the barbershop?

Mr. CLEMENTS. He had some money in the shop.

Mr. KENNEDY. And he was going to provide you some protection; is that right?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. Did you go to the police department during this period of time and tell them about these things that were happening to you?

Mr. CLEMENTS. Yes; I did.

Mr. KENNEDY. What did they say to you?

Mr. CLEMENTS. Well, I could not get any satisfaction out of it, and the best I remember they said that they did not want—I don't know if it is the exact words or not, but they did not want to mess with the labor trouble. They tried to stay out of labor trouble. It was something to that effect.

Mr. KENNEDY. Who said this to you?

Mr. CLEMENTS. Well, I was told that a number of times.

Mr. KENNEDY. By the various representatives of the police department?

Mr. CLEMENTS. Yes.

Mr. KENNEDY. So you brought in Mr. Adams, who was going to help provide protection. Did you also purchase a gun?

Mr. CLEMENTS. I did.

Mr. KENNEDY. You purchased a gun. Did you get a license to carry a gun?

Mr. CLEMENTS. I did not.

Mr. KENNEDY. You just got a gun?

Mr. CLEMENTS. I just got a gun.

Mr. KENNEDY. Was that to protect yourself?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. You felt you needed it by that time?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. That was after the dynamiting of the store?

Mr. CLEMENTS. That was after the dynamiting, and several folks were getting beat up around. I just did not want that to happen to me.

Mr. KENNEDY. Did you ever have any incidents in connection with the gun?

Mr. CLEMENTS. Yes; I did.

Mr. KENNEDY. Would you tell the committee what happened?

Mr. CLEMENTS. Well, Mr. Adams told me that somebody told him that he could not be down there any more.

Mr. KENNEDY. You mean one of the officials in the police department told him he could not stay around?

Mr. CLEMENTS. That is the way I understood it.

Mr. KENNEDY. That he could not stay around there any more; is that right?

Mr. CLEMENTS. That is the way I understood it. So he sent a boy down to tell me that day that they were going to whip all the barbers in that shop that night, when they closed.

Mr. KENNEDY. They were going to beat them all up?

Mr. CLEMENTS. That is right.

The CHAIRMAN. Who sent you that message?

Mr. CLEMENTS. Tom Adams.

The CHAIRMAN. Was he a policeman?

Mr. CLEMENTS. Yes, sir.

(At this point Senator Ives withdrew from the hearing room.)

The CHAIRMAN. All right. He sent you word that you were going to get beaten up that night—a policeman?

Mr. CLEMENTS. Yes, sir.

The CHAIRMAN. All right; go ahead.

Mr. KENNEDY. This is the same policeman that had invested money in your barbershop?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. Who had been giving you protection; is that right?

Mr. CLEMENTS. Yes.

Mr. KENNEDY. But he had been called off by his superiors and told he could not stay down there any more.

Mr. CLEMENTS. That is the way I understood it.

Mr. KENNEDY. So he sent a message that on this particular night, you and the rest of the barbers were going to be beaten up; is that right?

Mr. CLEMENTS. Yes, sir.

The CHAIRMAN. Is that why he was called off, so that those who were to administer the beatings would have a freer hand at the job? I am just trying to piece these things together. He gets called off of the job, and then sends you word the same day, as I understand it, that all of you are going to get beaten up that night when you quit work.

Mr. CLEMENTS. That is right.

Senator CURTIS. Do you know how he obtained the information that these beatings were to take place?

Mr. CLEMENTS. No, I do not.

Senator CURTIS. Did he say anything about who was going to do it?

Mr. CLEMENTS. I don't believe he did.

Senator CURTIS. Do you have any evidence that this crusade against you in various forms of violence was being backed by other barbershops in the city?

Mr. CLEMENTS. Well, there were a lot of barbers on the picket line; yes, sir.

Senator CURTIS. I am referring to owners of barbershops.

Mr. CLEMENTS. Well, you see, I stayed open later than they did. They closed at 6; I stayed until 8 or 9. So when they closed at 6, they would all come over there.

Senator CURTIS. They would come over and help picket?

Mr. CLEMENTS. Yes; there would be about, I would say, roughly 25, 30, or maybe 50 guys each night.

Senator CURTIS. That were barbers?

Mr. CLEMENTS. Well, not all of them barbers. A lot of them were barbers.

Senator CURTIS. Were any shopowners on the picket line?

Mr. CLEMENTS. Yes, sir. Well, they didn't carry the sign. They had one hired man to carry the sign.

Senator CURTIS. But they showed up there?

Mr. CLEMENTS. Yes, sir.

Senator CURTIS. Do you have any evidence that they knew about or took part in any way in the violence?

Mr. CLEMENTS. I could not say. Do you mean the blowing up and all?

Senator CURTIS. Yes.

Mr. CLEMENTS. I could not say.

Senator CURTIS. Thank you.

Mr. KENNEDY. This night that you received this message, you closed up your barbershop and started home, did you?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. Would you tell the committee what happened then?

Mr. CLEMENTS. I closed that night. I was getting ready to go home, so down this side of the shop the street was full, and up this other side there was a car with, if I am not badly mistaken, with six standing around here, and a patrol car. They were talking to the people in a patrol car.

The CHAIRMAN. Do you mean a police patrol?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. The first time. Weren't you stopped prior to that time, in the alley?

Mr. CLEMENTS. Well, I could not get this way. I could not get this other way, so I go up the alley.

Mr. KENNEDY. Why couldn't you go either way?

Mr. CLEMENTS. Well, they had all these people down there. I did not want to get involved with these over here or these over here, either, so I went up the alley.

Mr. KENNEDY. Did you meet anybody in the alley?

Mr. CLEMENTS. Tom told the boy to tell me that he would wait for me in the alley.

Mr. KENNEDY. Prior to that time, had you brought your gun out at all?

Mr. CLEMENTS. When I got to the end of the alley, this car cut me off. He went around Gallatin Road and down Douglas Alley to where this alley was, and he cut me off there.

Mr. KENNEDY. And you could not get out?

Mr. CLEMENTS. No; I could not get out. It was very narrow.

Mr. KENNEDY. So what did you do?

Mr. CLEMENTS. So they were out.

Mr. KENNEDY. Did they come out of the car?

Mr. CLEMENTS. Some of them was out.

Mr. KENNEDY. Did you see anybody? Did you recognize anybody?

Mr. CLEMENTS. Well, not out of that car, but the one that was down in the side of this man's yard was Perry Canaday.

Mr. KENNEDY. Of the teamsters' union?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. Had he been outside your shop before that?

Mr. CLEMENTS. Yes; several times.

Mr. KENNEDY. Was he sort of directing the activities, or did he give you that impression that he had an important position?

Mr. CLEMENTS. I had that feeling; yes, sir.

Mr. KENNEDY. That was Canaday of the teamsters union?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. And some of these people got out of their cars?

Mr. CLEMENTS. So I got out. I had a gun. I had it in my hand, but I didn't shoot it. So they got back in their car.

Mr. KENNEDY. What did you do with the gun? Did you point it at them?

Mr. CLEMENTS. No; I just had it in my hand.

Mr. KENNEDY. Did you say anything to them?

Mr. CLEMENTS. I don't remember the correct words that I did say.

Mr. KENNEDY. Generally what did you say to them?

Mr. CLEMENTS. I believe I told them that I would hurt one of them, or something to that effect, if they tried anything, so they left.

Mr. KENNEDY. They got back in their car?

Mr. CLEMENTS. They got back in their car.

Mr. KENNEDY. Then you drove on?

Mr. CLEMENTS. When they left, there is a little street down there, and they went down there, and there is a man's yard there, so they turned. During the time they were turning, I passed the street. When I passed the street, they come down and come around. Now, I ain't saying they stopped plumb still, but the best I remember—I know the door was open on the right-hand side. So when the door was open on the right-hand side, I shot.

Mr. KENNEDY. You shot?

Mr. CLEMENTS. I shot at the car.

Mr. KENNEDY. And did they drive away then?

Mr. CLEMENTS. Yes.

Mr. KENNEDY. And there is a possibility you might have hit the car; is that right?

Mr. CLEMENTS. Well, they drove, I would say, a distance of five blocks. They said I hit a tire. I don't know if I did or not. But they drove a distance of five blocks and they said the tire was torn up, I mean from being flat.

The CHAIRMAN. You hit a tire? You shot the tire on the car?

Mr. CLEMENTS. They said I did.

Mr. KENNEDY. Why did you shoot at the car?

Mr. CLEMENTS. Well, I mainly shot at the car—after hearing all this that they were going to beat me up, I thought maybe that might keep somebody from being hurt bad.

Mr. KENNEDY. Did you hear about the shooting again? What did you next hear about it? Did the police get in touch with you or did you get in touch with the police?

Mr. CLEMENTS. Tom Adams and Henry McCarver—

Mr. KENNEDY. That is Tom Adams, your friend, the policeman?

Mr. CLEMENTS. Yes—told me that they went to the police station and swore that he done the shooting.

Mr. KENNEDY. That Tom Adams had done the shooting?

Mr. CLEMENTS. Yes, sir; so that night they went to see Canaday and talked to him, and they said he would not come out of the house. He was scared. They told him to come out, that they wasn't going

to hurt him, that there wasn't going to be nothing, that they just wanted to talk to him. So he come out and he told them about this guy Birthright, and some said he was from Indianapolis. He was a bit fat guy. They came to my house that night and told me that we had to go to the hotel in Nashville.

MR. KENNEDY. Birthright is the international organizer of the barbers' union. What did he have to do with it? He was coming down there?

MR. CLEMENTS. He was already there. I did not know he was there. He was in the hotel the next morning when we went up there.

MR. KENNEDY. But anyway, you thought there was some claim that Adams had been responsible for the shooting?

MR. CLEMENTS. That is the way I understood it.

MR. KENNEDY. So what did you do?

MR. CLEMENTS. We went up to join the union.

MR. KENNEDY. You decided to join the union?

MR. CLEMENTS. Yes, sir.

MR. KENNEDY. Did you go to the police department first?

MR. CLEMENTS. I had been to the police department a number of times.

MR. KENNEDY. But did you go to the police department? Did they question you?

MR. CLEMENTS. Yes.

MR. KENNEDY. You said you did not know anything about the shooting?

MR. CLEMENTS. I did not know I told them that until I read the statement that was gotten from the police station.

MR. KENNEDY. You went through a rather nervous period, I understand.

MR. CLEMENTS. Yes, sir.

MR. KENNEDY. But the records show that you did not tell them anything about the shooting?

MR. CLEMENTS. I read that; yes, sir.

MR. KENNEDY. You went and joined the union?

MR. CLEMENTS. Yes, sir.

MR. KENNEDY. And you received assurances from the union officials that they would not press the charge of shooting against you?

MR. CLEMENTS. Well, that was the purpose of going up there; yes, sir. Before I signed the paper, I made sure that something was said about everything what was going to be done, and he said everything was going to be all right.

MR. KENNEDY. So you joined up with the union at that time?

MR. CLEMENTS. Yes, sir.

MR. KENNEDY. And subsequently you sold your shop?

MR. CLEMENTS. And my house.

MR. KENNEDY. You moved out of the city?

MR. CLEMENTS. Yes, sir.

MR. KENNEDY. Then you came back in within a couple of years after that?

MR. CLEMENTS. About 2 months after that. Two or three months.

MR. KENNEDY. And you bought your shop back?

MR. CLEMENTS. Well, yes, I got my shop back.

MR. KENNEDY. Then when the union contract expired, you told the union that you would not renew it; is that right?

Mr. CLEMENTS. No, I didn't wait until it expired. I studied it over and thought it over, so I come back and quit then.

Mr. KENNEDY. You quit the union?

Mr. CLEMENTS. Yes. I told them to come and get their card, I did not want it.

Mr. KENNEDY. You were not frightened at that time?

Mr. CLEMENTS. Well, we will put it like this: I was worried.

Mr. KENNEDY. But you thought it was better not to be a member of the union? You weren't that worried?

Mr. CLEMENTS. Well, you see, the people helped me build that shop back, because it was a help to the neighborhood, on account of their kids and all, and I did not feel like it was doing them right, after them helping me build the place, and then going and joining the union and overcharging them for the work that they got. So I just dropped out of the union. I got out of it.

Mr. KENNEDY. Did you lower your prices for haircuts then after you got out?

Mr. CLEMENTS. Yes, sir.

Mr. KENNEDY. Back to what price?

Mr. CLEMENTS. Well, I was getting a dollar at union prices then, and I cut them back to 75. But I am getting a dollar now.

Mr. KENNEDY. When did you have this conversation with the representative of the barbers union when you came back to the city? Was it a year ago?

Mr. CLEMENTS. Well, it was 2 or 3 months after I sold my house and shop, whatever date that was.

Mr. KENNEDY. But you are not a member of the union now; is that right?

Mr. CLEMENTS. No; I am not.

Mr. KENNEDY. Did the union tell you at that time you would have any problems or trouble with them, any union official?

Mr. CLEMENTS. About the only thing, C. C. Sanders told me it looked like he was going to have to get rough with me.

Mr. KENNEDY. But you never heard from them again?

Mr. CLEMENTS. I have not.

Mr. KENNEDY. What did you do with the gun?

Mr. CLEMENTS. I have it.

Mr. KENNEDY. You still have it?

Mr. CLEMENTS. Yes.

Mr. KENNEDY. Do you have a license yet?

Mr. CLEMENTS. No; I don't.

Mr. KENNEDY. Was your wife upset about all of this?

Mr. CLEMENTS. Yes. She is upset right now.

Mr. KENNEDY. As I understand it, over this period of a year you had, during 1953, three different instances of having your windows broken, your equipment destroyed, and you went to the police department, according to your testimony, asked for their assistance, and they said they did not mix in where labor disputes were involved. Then you have had the dynamiting of your store where you had \$5,000 of damages. Then you and your neighbors rebuilt the store. Then you had this incident with the gun and finally you joined the union, and then told them that you were going to get out of the union: is that right?

Mr. CLEMENTS. Yes, sir.

MR. KENNEDY. And the dynamiting took place, as I said, Mr. Chairman, the same night as the dynamiting of McDowell's place.

THE CHAIRMAN. Why did you join the union? What persuaded you?

MR. CLEMENTS. Well, things were getting pretty tough. My wife, she is awful nervous and tore up. Like I said, she still is. I guess it all adds up to just getting rid of some of the pressure.

THE CHAIRMAN. In other words, you joined the union because you were intimidated and frightened by the violence that had occurred?

MR. CLEMENTS. Well, if they did, I will say if they did, do that dynamiting, the man that done that would do that to your house.

THE CHAIRMAN. Yes, I understand. I am not saying who did it. But the fact that it was done had considerable influence with you joining the union?

MR. CLEMENTS. Yes, it did.

Senator McNAMARA. Mr. Chairman.

THE CHAIRMAN. Senator McNamara.

Senator McNAMARA. The time of the damage to your property, the \$5,000 worth of damage, how many chairs did you have?

MR. CLEMENTS. I had four, I believe.

Senator McNAMARA. All operating?

MR. CLEMENTS. Yes, sir.

Senator McNAMARA. Were you a member at that time of the Master Barbers' Association?

MR. CLEMENTS. At that time, no; no, not when the shop blew up, I wasn't.

Senator McNAMARA. Had they been trying to get you to join their organization?

MR. CLEMENTS. The master barbers?

Senator McNAMARA. What is that? The master barbers?

MR. CLEMENTS. Well, I joined the Master Barbers' Association to get some relief from this other.

Senator McNAMARA. Then at the time when the store was damaged to the extent of \$5,000, were you a member or were you negotiating?

MR. CLEMENTS. No, sir.

Senator McNAMARA. You had not been a member of the Master Barbers' Association?

MR. CLEMENTS. No, sir.

Senator McNAMARA. But subsequently you joined the Master Barbers' Association?

MR. CLEMENTS. Yes, sir; at one time I belonged to the Master Barbers' Association.

Senator McNAMARA. Was that prior to making an agreement with the barbers' union or at the same time?

MR. CLEMENTS. No; that was after. If I remember correctly, it was after I had dropped out of the union.

Senator McNAMARA. I do not understand your answer. You said it was after what? After you joined—

MR. CLEMENTS. Well, after I dropped out of the barbers' union.

Senator McNAMARA. Then you became a member of the master barbers?

MR. CLEMENTS. For a while; yes, sir.

Senator McNAMARA. For how long?

Mr. CLEMENTS. Well, I can't give you the correct dates on that.

Senator McNAMARA. Well, is it a month or a year?

Mr. CLEMENTS. I would say—let's say 6 months.

Senator McNAMARA. During the period that you were a member of the Master Barbers' Association, did you collect the rate that was agreed upon for your haircuts, 75 cents or a dollar, whatever it was?

Mr. CLEMENTS. Well, they don't have a rate. The master barbers—you charge whatever is in your locality.

Senator McNAMARA. They have an area rate?

Mr. CLEMENTS. An area rate; yes.

Senator McNAMARA. Did you collect the area rate, then?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. You agreed to go along with the terms of the Master Barbers' setup?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. Then you subsequently dropped that, too? You were not a member of the master barbers after 6 months?

Mr. CLEMENTS. No; they told me that I would have to fully cooperate with local 35 on prices, hours, and all regulations, so I dropped out of that.

Senator McNAMARA. Who set the prices for the haircut? Was it the Master Barbers' Association or the union or between them jointly?

Mr. CLEMENTS. Local 35. They have a union scale.

Senator McNAMARA. Well, that is payment to your barbers, but that does not establish the price that you charged the public; did they?

Mr. CLEMENTS. No; it is not payment to your barbers. It is the amount I charge you for cutting your hair.

Senator McNAMARA. In the union contract, you agreed to charge a certain amount?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. And that is the same amount that the Master Barbers' Association—

Mr. CLEMENTS. No, the Master Barbers' Association don't have a set rate on what I charge you for your haircut.

Senator McNAMARA. You can be a member of the Master Barbers' Association and charge whatever you want?

Mr. CLEMENTS. Charge anything you want to.

Senator McNAMARA. Isn't that an unusual setup from what you know about barber associations?

Mr. CLEMENTS. Well, just to be perfectly frank with you, I don't want to belong to any of it.

Senator McNAMARA. You mentioned the fat man that came from Cincinnati or Indianapolis?

Mr. CLEMENTS. That is what I was told; yes.

Senator McNAMARA. Did you meet him?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. Did you say his name was Birthright?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. Was he a high official of the Barbers International Union?

Mr. CLEMENTS. That is what he said.

Senator McNAMARA. Was he the international president of the barbers union?

Mr. CLEMENTS. I really don't know.

Senator McNAMARA. What business did you have with this stout man from Indianapolis that you thought was Mr. Birthright? What business did you do with him?

Mr. CLEMENTS. I went up there and joined the union.

Senator McNAMARA. He asked you to join the union?

Mr. CLEMENTS. Well, we just went up there and he was there. Yes; he asked me to join the union. We joined the union right there.

Senator McNAMARA. You joined at that point?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. When he came in the picture?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. Now, you mentioned that Mr. Adams was called off, or he was a sort of a partner and he put some money in your business. How much money did he put in? Was it \$100 or more?

Mr. CLEMENTS. I don't remember just the right figure right now and I could not give you a correct answer on that.

Senator McNAMARA. It was more than \$1?

Mr. CLEMENTS. Oh, yes.

Senator McNAMARA. Not as much as \$100?

Mr. CLEMENTS. I think it was a little over \$100 and I don't know how much it was right at that particular time, but it had been over \$100.

Senator McNAMARA. For this was he to get a share of the profits in your business?

Mr. CLEMENTS. No, sir.

Senator McNAMARA. For this he was to be paid a certain amount every week or something like that?

Mr. CLEMENTS. No, sir.

Senator McNAMARA. What was he to get out of it?

Mr. CLEMENTS. Well, I would pay him back, when I made it.

Senator McNAMARA. You would pay him back what he put into it?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. Then it was more of a loan and investment in the business; is that right?

Mr. CLEMENTS. Well, I don't know what you would call it.

Senator McNAMARA. What did you consider it, a loan or an investment in the business?

Mr. CLEMENTS. Well, either one he would rather have.

Senator McNAMARA. What is that?

Mr. CLEMENTS. Either one that he would rather have.

Senator McNAMARA. No; you got more than \$100 from Mr. Adams which you used in your business, as I understand from the record; is that right?

Mr. CLEMENTS. Like I say, I could not give you the correct figures as to how much.

Senator McNAMARA. You do agree there was more than \$100?

Mr. CLEMENTS. At one time there was.

(At this point, Senator Kennedy entered the hearing room.)

Senator McNAMARA. Was it as much as \$200 at this time that you are talking about?

Mr. CLEMENTS. I couldn't say.

Senator McNAMARA. Then, to the best of your knowledge and belief, it was between \$100 and \$200; is that right?

Mr. CLEMENTS. I wouldn't make a statement on that because I couldn't remember.

Senator McNAMARA. You have said it was more than \$100.

Mr. CLEMENTS. At one time, it was.

Senator McNAMARA. At one time it was more than \$100?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. Did he get his money back?

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. Did you consider the money that he put into your business as a loan?

Mr. CLEMENTS. To tell you the truth, I had not thought about it.

Senator McNAMARA. Do you now consider it was a loan?

Mr. CLEMENTS. Well, I would consider it more or less just friendship.

Senator McNAMARA. But the police department of Nashville objected to your friend loaning you more than \$100 to be used in your business according to your testimony.

Mr. CLEMENTS. No; I don't think that I said that.

Senator McNAMARA. Well, previously you said that Mr. Adams put some money into your business.

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. But the police department told him he had to get away from that business and he could not be there any more; is that right? Is that your previous testimony?

Mr. CLEMENTS. Not because of the money.

Senator McNAMARA. What was the cause of it?

Mr. CLEMENTS. I don't know.

Senator McNAMARA. You do not know?

Mr. CLEMENTS. No.

Senator McNAMARA. All right. You had several contacts with the Nashville Police Department and they told you in substance that they did not want to mess with any labor trouble; is that your testimony?

Mr. CLEMENTS. They did not want to get involved in any labor trouble.

Senator McNAMARA. You said you had several contacts with them and this is what they told you.

Mr. CLEMENTS. Yes, sir.

Senator McNAMARA. You said you do not remember who told you in all of these instances, but you must remember one name in the police department who told you this; do you not?

Mr. CLEMENTS. I had so much of that, I couldn't rightly say.

Senator McNAMARA. You could not say you remember the name of one police official who told you they did not want to mess with labor trouble?

Mr. CLEMENTS. Well, the sheriff told me and my partner.

Senator McNAMARA. I am not talking about the sheriff. I am talking about the Nashville Police Department, because these are the people that you said you went to several times.

Mr. CLEMENTS. I was talking about the Nashville law-enforcement officers.

Senator McNAMARA. All right; now then, it was the sheriff's department that told you this and not the Nashville Police Department?

Mr. CLEMENTS. I will tell you what the sheriff told me. He told me that he would have to see his lawyer before he could say what he could do.

Senator McNAMARA. He did not tell you that he did not want to mess with labor trouble?

Mr. CLEMENTS. He left the impression on me of the same.

Senator McNAMARA. You assumed this, and nobody told you then, they did not want to mess with labor troubles.

Mr. CLEMENTS. They told me that they did not usually mess or usually fool with labor fellows.

Senator McNAMARA. They did not want to become involved?

Mr. CLEMENTS. That is right.

Senator McNAMARA. Who told you? Come on, you know who told you. Who did you go to in the police department?

Mr. CLEMENTS. I saw everybody down there and I just wouldn't say who it was. I just couldn't say truthfully who told me that.

Senator McNAMARA. You do not know how much money Adams put in the business and you don't know who told you that the police department did not want to mess with it, and you do not know whether it was the sheriff's office or the Nashville Police Department, and you do not know much, do you?

That is all, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

Senator CURTIS. Mr. Chairman, I have a question.

Did the police department ever talk to you about this shooting instance where you had the gun out and you shot and the accusation was made that you hit a tire on the car? Did any police officer ever talk to you about that?

Mr. CLEMENTS. Not as I recall; no, sir.

Senator CURTIS. The statement or the inference that if you joined the union, that charge would not be pressed, then, came from individuals other than the police; is that right?

Mr. CLEMENTS. It did.

Senator CURTIS. You referred to this neighborhood in which you had the barbershop and the needs and wishes of the people around there. What sort of a neighborhood is it? Is it away from downtown?

Mr. CLEMENTS. Yes; it is on the outskirts of town and it is in the city limits but on the outskirts. It is a good neighborhood and they are nice, clean working people and they do not have a lot of money and they buy homes and they have children in school and they have all of their home expenses.

I just did not feel like they were able to pay a tremendous price for a haircut.

Senator CURTIS. It was those people who helped you individually and who belonged to the churches and the clubs that also helped you?

Mr. CLEMENTS. That is right.

Senator CURTIS. You felt an obligation to them?

Mr. CLEMENTS. Well, I felt like it wouldn't be right to overcharge them.

Senator CURTIS. Do you operate now in that same neighborhood?

Mr. CLEMENTS. Yes, sir.

Senator CURTIS. That is all.

Senator McNAMARA. I have a question.

Why did you not obtain a permit for this gun that you still have in your possession?

Mr. CLEMENTS. Well, I figured they wouldn't give it to me under those circumstances.

Senator McNAMARA. On account of what?

Mr. CLEMENTS. Under the circumstances, I figured I couldn't get one.

Senator McNAMARA. Are you not a responsible businessman and you have demonstrated a need for a gun to protect yourself and your family? Why should they not give you a permit to carry a gun?

Mr. CLEMENTS. I did not ask for one, and I don't know if they would have or would not, but I just assumed they wouldn't.

Senator McNAMARA. If you do not have a police record and you are a businessman, and you show a need for a gun to protect yourself and your business, you should get one. There is no reason in the world why you should not. Do you have a police record?

Mr. CLEMENTS. No, sir.

Senator McNAMARA. I do not understand why you do not get a permit for this gun and have a right to use it and have a right to carry it and protect your business. But you just have not made an application?

Mr. CLEMENTS. No, sir.

Senator McNAMARA. That is all.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Rasmussen.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth so help you God?

Mr. RASMUSSEN. I do.

TESTIMONY OF WALLACE RASMUSSEN

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. RASMUSSEN. Wallace Rasmussen, Route 2, Brentwood, Tenn., district manager for Beatrice Food Co.

The CHAIRMAN. Do you waive counsel?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You were district manager during 1953 for the Beatrice Food Co.?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. What position did you hold? That is the position you have at the present time?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. Were you with them at that time?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. What position did you hold?

Mr. RASMUSSEN. Plant superintendent.

Mr. KENNEDY. Were the teamsters making an effort to organize that company, the employees of that company, the drivers?

Mr. RASMUSSEN. That is right.

Mr. KENNEDY. During 1953?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. About what month was that; when did it occur?

Mr. RASMUSSEN. It was in the spring, I would say, of 1953.

Mr. KENNEDY. Did you already have a contract with any union?

Mr. RASMUSSEN. Yes, sir; we had a contract with the CIO.

Mr. KENNEDY. What union of the CIO?

Mr. RASMUSSEN. Wholesale Department and Retail and Department Store Workers Union?

Mr. KENNEDY. What local number is that?

Mr. RASMUSSEN. 761.

Mr. KENNEDY. Did you have an altercation around April 19, 1953, with some representatives of the teamsters union?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. Could you tell the committee what happened in connection with that?

Mr. RASMUSSEN. I was walking up through our garage in this particular afternoon and saw one of our former employees standing in the doorway, who we had let go 2 or 3 weeks previously. So I thought I would see what he was doing back.

I started a conversation with him and he had a person with him. I turned my back to this person and he took a swing at me when I turned my back to him. I turned around and said, "Who are you?" and he said, "I have some unfinished business with you."

I said, "I don't even know you." So I stepped back in the office there and I asked the boys in the office to call the police. Then I went back out, and I followed them up in front of the office door. Then he took another swing at me, so I thought I would at least hold him there until the police got there, and I grabbed him around the head and headed for the office, and about that time I got in the office door someone hit me on the head. Of course I let loose of the two fellows.

Mr. KENNEDY. This other person hit you on the head from the back, did he?

Mr. RASMUSSEN. He hit me from the side.

Mr. KENNEDY. With his fist?

Mr. RASMUSSEN. I don't know. From the welt it left on my head, I question it.

Mr. KENNEDY. You were stunned, were you?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. Did you see what happened to them after that?

Mr. RASMUSSEN. The fellow that hit me ran back across the street and got into his car, and the other two boys went up the street.

Mr. KENNEDY. Were you able to identify the man who hit you at all?

Mr. RASMUSSEN. Only that he wore a hearing aid.

Mr. KENNEDY. Were you able to identify the car?

Mr. RASMUSSEN. We asked several employees around there if they saw the car that he got into and through the description that they gave us we were able to trace the car.

Mr. KENNEDY. Did you turn this over to the police?

Mr. RASMUSSEN. We called the police and the police came out, and I thought that the person that did the hitting was another individual and they got this person, but it turned out it wasn't. That was the last the police ever got into the picture.

Mr. KENNEDY. Did you tell them that you could identify any of the people, other than the one?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. Did they come back to interview you?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. Did you tell them of the problem that you were having with the teamsters union?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. They never showed you any pictures?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. And you told them you thought this fellow was wearing a hearing aid?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. And they never came back to see you again?

Mr. RASMUSSEN. No.

Mr. KENNEDY. Did you hire some private investigators to make an investigation, yourself?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. Could you tell the committee what you found out then?

Mr. RASMUSSEN. We hired this private investigator to help us find the individuals who did the assaulting. I knew one of them and the other two we did not know.

Mr. KENNEDY. Which one did you know?

Mr. RASMUSSEN. We knew Bobby Marston, who was a former employee.

Mr. KENNEDY. He was the one you were talking to?

Mr. RASMUSSEN. That is right. Through the description of the automobile the manager of the plant at that time and myself, drove all over Nashville looking for that particular car. We finally located the car or we thought it was, and got the license number and had it traced or had them check to see who the automobile belonged to, and it belonged to Smith, W. A. Smith.

Mr. KENNEDY. Were you able to identify the third individual?

Mr. RASMUSSEN. We kept watching for the third individual, and when we found him they picked him up and the Marston boy and then they took me to this Smith's home and I identified him and they took him.

Mr. KENNEDY. The police arrested them?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. Who is "they"?

Mr. RASMUSSEN. This investigator had a man working for him who worked also in the police department, but he worked part time for him, and he is the one who took him down to the police station.

Mr. KENNEDY. He took him down to the police station?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. And you turned him over to the police at that time?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. All three individuals?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. Did you pursue the matter?

Mr. RASMUSSEN. They were let out with a \$50 bond and then we

were advised by our attorney that it would be better to drop it because it wouldn't do us any good to pursue it.

Mr. KENNEDY. Why didn't he think that it would produce any good?

Mr. RASMUSSEN. Well, from previous trouble that they had gotten into with unions, it wouldn't be favorable as far as we were concerned.

Mr. KENNEDY. So you thought, despite all of this work, and apprehending the people that had beaten you, you felt, on the advice of your attorney, that it was not worthwhile pursuing the matter because nothing would come of it anyway?

Mr. RASMUSSEN. That is right.

Senator KENNEDY. May I just ask a question there? What kind of a police force is it where you have to hire private investigators who hire a policeman part time, so that, when you want to have someone apprehended for this sort of action, you have to pay him and he goes down and gets this policeman who then uses his position with the police department to take the man down to the station?

Mr. RASMUSSEN. This fellow that he had working for him was really an identification officer for the police department.

Senator KENNEDY. In other words, the reason he arrested him was not based on the investigation by the police department, but it was based on an investigation by a private investigator?

Mr. RASMUSSEN. That is right.

Senator KENNEDY. Does that not seem to you like an odd way to run a police force?

Mr. RASMUSSEN. It certainly does, to me.

Senator CURTIS. What city was this?

Mr. RASMUSSEN. Nashville, Tenn.

Senator McNAMARA. You were formerly an organizer for the teamsters union in Nashville?

Mr. RASMUSSEN. Are you speaking to me, sir?

Senator McNAMARA. Yes.

Mr. RASMUSSEN. You have the wrong person.

Senator McNAMARA. What is your name?

Mr. RASMUSSEN. Wallace Rasmussen. What is your name, sir?

Senator McNAMARA. I am Senator McNamara, from Michigan. You say you were not the district manager of the Beatrice Food Co., in Nashville, at the time of this first incident?

Mr. RASMUSSEN. That is right.

Senator McNAMARA. When did you become the district manager?

Mr. RASMUSSEN. On June 1 of this year.

Senator McNAMARA. Do you know the gentleman whose name I mentioned to you previously, Mr. Jesse Reeves?

Mr. RASMUSSEN. Yes, sir; I know Jesse Reeves very well; yes, sir.

Senator McNAMARA. Apparently, I had the wrong sheet. You are presently the district manager, as I understand it.

Mr. RASMUSSEN. Yes, sir.

Senator McNAMARA. Whom did you contact in the police department about these things; the chief of police?

Mr. RASMUSSEN. Sir, I called them on the telephone, and I don't know whom I talked to.

Senator McNAMARA. You do not know whom you talked to?

Mr. RASMUSSEN. No.

Senator McNAMARA. You thought letting these people out on \$50 bond was not exactly right; is that right?

Mr. RASMUSSEN. I know they would not let me out on \$50 bond in a similar case.

Senator McNAMARA. So, you are suspicious that there is collusion between the police department and these people who are carrying on these improper activities?

Mr. RASMUSSEN. It would seem that way; yes.

Senator McNAMARA. You never attempted to check with the chief of police or his superiors in Nashville?

Mr. RASMUSSEN. No, sir.

Senator McNAMARA. Is he appointed by the mayor with the setup there?

Mr. RASMUSSEN. Yes, sir.

Senator McNAMARA. You never attempted to contact the mayor's office about it?

Mr. RASMUSSEN. No.

Senator McNAMARA. Do you have any explanation of that, since you were unsatisfied with the telephone conversation with the police department? Do you not have any explanation for not going further with it?

Mr. RASMUSSEN. From our experience, if you want to get something done, you have got to get it done right away, and they were not doing anything or they had never come back after the first trip out there, and so it was our decision that we would at least get to the bottom of it and find out who did the job.

Senator McNAMARA. You did this by hiring private agents?

Mr. RASMUSSEN. That is right.

Senator McNAMARA. You made no attempt to contact the police department, other than a telephone call; is that right?

Mr. RASMUSSEN. That is right.

Senator McNAMARA. That is all.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. How much did it cost you to make this private investigation of your own?

Mr. RASMUSSEN. Approximately \$3,000.

Mr. KENNEDY. After that, did you have any damage done to any of your automobiles of your company?

Mr. RASMUSSEN. We had sirup and sugar put in the gas tanks of our trucks.

Mr. KENNEDY. How many trucks were involved?

Mr. RASMUSSEN. We had eight trucks that were mechanically damaged, and there were others that had sugar and sirup put in, but we caught them before the engines were started, and drained the tanks and washed them out.

Mr. KENNEDY. Was that reported to the police?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. You did not report it?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. Why not?

Mr. RASMUSSEN. We felt it would do no good.

Mr. KENNEDY. Was it just the general feeling and general opinion in your city and around there that the police department would not

do anything even if you reported these acts of violence against yourself or your property?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. It was just accepted, and was not worth while reporting?

Mr. RASMUSSEN. That is right.

Mr. KENNEDY. Did you get any sworn statements at a later date as to those responsible for this?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. Did you turn that over to the police?

Mr. RASMUSSEN. They were turned over to the district attorney, or the attorney general.

Mr. KENNEDY. As I understand it, through your own investigative work again, you were able to find out who was responsible for some of these sirupings, is that correct?

Mr. RASMUSSEN. That is correct.

Mr. KENNEDY. You got sworn statements regarding that?

Mr. RASMUSSEN. Yes, sir.

Mr. KENNEDY. And you turned that over to the district attorney?

Mr. RASMUSSEN. That is right.

Mr. KENNEDY. Was anybody ever arrested in connection with that?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. Was anything ever done in connection with it?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. Even though you had the evidence and the information?

Mr. RASMUSSEN. That is right.

Mr. KENNEDY. Who was the district attorney at that time?

Mr. RASMUSSEN. Loser.

Mr. KENNEDY. Nothing was ever followed up on that?

Mr. RASMUSSEN. No, sir.

Mr. KENNEDY. You never appeared before a grand jury?

Mr. RASMUSSEN. No, sir.

Senator McNAMARA. I would like to ask the witness, do you still have the same police chief now that you had in those days?

Mr. RASMUSSEN. I don't believe so. I believe it is changed.

Senator McNAMARA. You do not know?

Mr. RASMUSSEN. No.

Senator McNAMARA. You still have the same mayor?

Mr. RASMUSSEN. No, sir.

Senator McNAMARA. Do you have a new mayor?

Mr. RASMUSSEN. Yes, sir.

Senator McNAMARA. Have conditions changed any?

Mr. RASMUSSEN. I haven't had anything to bring up, any occasion to find out if they have changed, sir.

Senator McNAMARA. You are not familiar with what goes on, generally, in the area, then?

Mr. RASMUSSEN. Well, no, not as far as that is concerned.

Senator McNAMARA. As far as you know there has been no change?

Mr. RASMUSSEN. No.

Senator McNAMARA. That is all.

The CHAIRMAN. What I do not understand is this: You were already unionized, is that right?

Mr. RASMUSSEN. That is correct.

The CHAIRMAN. What was the purpose of the teamsters trying to unionize you?

Mr. RASMUSSEN. The teamsters, apparently, felt like the employees would like to have a different union in there, I guess.

The CHAIRMAN. Did you select the first union for them?

Mr. RASMUSSEN. No, sir.

The CHAIRMAN. How did you come to sign a contract with the first union?

Mr. RASMUSSEN. By election of the people.

The CHAIRMAN. In other words, they held an election?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. And the majority voted for that union?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. Is that correct?

Mr. RASMUSSEN. That is correct.

The CHAIRMAN. Therefore, you signed a contract with that union?

Mr. RASMUSSEN. That is right.

The CHAIRMAN. How long had that been before the teamsters began bothering you?

Mr. RASMUSSEN. I would say maybe a year.

The CHAIRMAN. Some year before your plant had become unionized?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. And you were still under union contract with that union?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. What did the teamsters do? I do not quite understand that. I thought when a shop was unionized it was unionized. Is this a kind of a jurisdictional issue or something?

Mr. RASMUSSEN. I would say so; yes, sir.

The CHAIRMAN. Do you have anything to do with that?

Mr. RASMUSSEN. Did I?

The CHAIRMAN. Yes.

Mr. RASMUSSEN. No.

The CHAIRMAN. The management would have nothing to do with that?

Mr. RASMUSSEN. No, sir.

The CHAIRMAN. The men that voted for the other union would have that?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. Was the teamsters union contesting that election?

Mr. RASMUSSEN. The teamsters were contesting the validity of the contract that we had.

The CHAIRMAN. Well now, in the election, when the men voted for this union—what is that union?

Mr. RASMUSSEN. CIO Retail, and Wholesale Department Store Workers.

The CHAIRMAN. When your men voted for that was there an issue or a contest between the teamsters union and that union at the time the men voted?

Mr. RASMUSSEN. No, sir.

The CHAIRMAN. Was there a contest as between any other union and that union?

Mr. RASMUSSEN. No, sir.

The CHAIRMAN. The issue was whether they wanted to belong to a union?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. And to belong to that union only.

Mr. RASMUSSEN. That is right.

The CHAIRMAN. And they voted that way, a majority of them?

Mr. RASMUSSEN. That is right.

The CHAIRMAN. And, therefore, you complied and you conformed.

Mr. RASMUSSEN. That is right.

The CHAIRMAN. And you say the teamsters were contesting the validity of that contract?

Mr. RASMUSSEN. That is right.

The CHAIRMAN. In what way? What was their objection?

Mr. RASMUSSEN. That all of the employees were not members.

The CHAIRMAN. All of them were not members?

Mr. RASMUSSEN. That is right.

The CHAIRMAN. In that contract did the contract provide that only those who wanted to belong should belong?

Mr. RASMUSSEN. In the State of Tennessee, you don't have to belong to a union.

The CHAIRMAN. I understand, but in other words you could not make under the law of the State—I guess they have a right-to-work law and under that law you could not compel those who did not want a union to belong to it.

Mr. RASMUSSEN. That is right.

The CHAIRMAN. And so this all grew out of the teamsters taking issue or offense at a contract that did not compell all of them to join?

Mr. RASMUSSEN. That is correct.

(Members present at this point were Senators McClellan, Kennedy, McNamara, and Curtis.)

The CHAIRMAN. What were they trying to get you to do about it?

Mr. RASMUSSEN. They wanted us to sign a contract with them covering the employees which were most of our drivers.

The CHAIRMAN. Covering all of the employees and compelling them to join the union?

Mr. RASMUSSEN. Right.

The CHAIRMAN. Had you consulted your attorney about it?

Mr. RASMUSSEN. That is right.

The CHAIRMAN. What did your attorney advise you with respect to this?

Mr. RASMUSSEN. That we had a legitimate contract and that the contract we had was sufficient.

The CHAIRMAN. Did they make any threats against your plant, the teamsters, or anyone representing the teamsters? Did they make any threats to you or to the management?

Mr. RASMUSSEN. Not to me personally; no, sir.

The CHAIRMAN. Do you know of any threats they made before this violence occurred?

Mr. RASMUSSEN. No, sir.

The CHAIRMAN. It just occurred?

Mr. RASMUSSEN. Right.

The CHAIRMAN. You don't know who committed the violence?

Mr. RASMUSSEN. The violence on myself? Yes, sir; I know that.

The CHAIRMAN. I know on yourself, but I am talking about the violence to the plant.

Mr. RASMUSSEN. The sabotage of the trucks?

The CHAIRMAN. Yes.

Mr. RASMUSSEN. Yes, sir; we know who did it.

The CHAIRMAN. You know who did it?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. And you turned that over to the prosecuting attorney?

Mr. RASMUSSEN. Yes, sir.

The CHAIRMAN. Do you call him the district attorney?

Mr. RASMUSSEN. The State district attorney.

The CHAIRMAN. How long ago was that?

Mr. RASMUSSEN. In 1953, in August, approximately.

The CHAIRMAN. 1953?

Mr. RASMUSSEN. Right.

The CHAIRMAN. I suppose the statute of limitations may have run against it before now?

Mr. RASMUSSEN. I expect that.

The CHAIRMAN. But you had positive proof?

Mr. RASMUSSEN. Signed statements of witnesses.

The CHAIRMAN. Of whom?

Mr. RASMUSSEN. Of people who collaborated with them to put sirup in the tanks.

The CHAIRMAN. And no action was taken?

Mr. RASMUSSEN. That is right.

The CHAIRMAN. How much damage was done by reason of the sirup?

Mr. RASMUSSEN. Approximately \$2,000.

The CHAIRMAN. How much would have been done if you had not discovered some of it in time to prevent damage?

Mr. RASMUSSEN. I would say twice that amount.

The CHAIRMAN. In other words, by your alertness in discovering it, I do not know whether it was alertness or an accidental discovery, you saved about \$2,000 in damages that would have occurred?

Mr. RASMUSSEN. That is right.

The CHAIRMAN. Is there anything further?

Senator McNAMARA?

Senator McNAMARA. You mentioned a former employee that was involved in this negotiation. Did he then represent the teamsters union?

Mr. RASMUSSEN. Did he represent the teamsters union? Not to my knowledge.

Senator McNAMARA. How did he enter into the negotiations in dealing with you in this matter?

Mr. RASMUSSEN. This former employee was the one that was standing in the doorway when I had this assault.

Senator McNAMARA. He was just standing in the doorway?

Mr. RASMUSSEN. Right.

Senator McNAMARA. What was the nature of his leaving? Did you fire him, or did he quit?

Mr. RASMUSSEN. Yes; he quit—no; he didn't quit; we fired him.

Senator McNAMARA. For what reason?

Mr. RASMUSSEN. He was on a truck driving a truck for us; I don't rememebr the exact reason why we let him go, but I believe it was because we were having trouble with some of them turning in their money, collections, and I think he was one of them we were having trouble with.

Senator McNAMARA. Do you remember whether or not he was a member of the union?

Mr. RASMUSSEN. A member of the CIO, the union we had in the plant? I believe he was; yes, sir.

Senator McNAMARA. He was one of those that chose to belong to the union?

Mr. RASMUSSEN. Right.

Senator McNAMARA. That is all.

Mr. KENNEDY. I might just say in connection with that individual, he has been linked already in testimony to the siruping of trucks, and he has a police record with a number of arrests.

The CHAIRMAN. Is that the one that was discharged, Marston?

Mr. RASMUSSEN. Right; Bobby Marston.

(At this point, Senator Kennedy withdrew from the hearing room.)

The CHAIRMAN. Is there anything further? If not, thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Jesse Reeves.

(Present at this point were Senators McClellan, McNamara, and Curtis.)

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REEVES. I do.

TESTIMONY OF JESSE REEVES

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. REEVES. My name is Jesse Reeves, I reside at 111 Dellway Drive, Nashville, Tenn. I am an automobile salesman for Oak Motors, also of Nashville.

The CHAIRMAN. Do you waive counsel?

Mr. REEVES. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You were an organizer for the teamsters from August 1952 to January 1954; is that right?

Mr. REEVES. That is correct, sir.

Mr. KENNEDY. During that period of time were you making an effort to organize the drivers for the Beatrice Food Co.?

Mr. REEVES. That is correct, sir.

Mr. KENNEDY. Did you have a dispute or were you present during an altercation with Mr. Rasmussen of that company?

Mr. REEVES. That is correct, sir.

Mr. KENNEDY. And this was while you were an organizer for the teamsters, yourself?

Mr. REEVES. That is right, sir.

Mr. KENNEDY. Would you tell the committee the events that preceded that and then whatever information you have regarding that matter?

Mr. REEVES. Well, we were in the process of organizing the employees of Beatrice Foods, better known as Meadow Gold, I believe, in that area. They belonged to the CIO District 50, or local 761, or something of that sort. I was trying to organize them and take them away from this union and which I did, organize the people. We was in the process of trying to get the employer to go along with the fact that we should represent them as their bargaining agent at that time. I had a meeting with Mr. Rasmussen's boss at that time—I don't recall the gentleman's name—at 10 o'clock that morning, I believe it was, and he told me at that time that he did not want any part of the teamsters, that his employees had decided they did not want to join the teamsters and told me to get off of his premises and not come back.

So, on my way out, I asked 1 or 2 of the employees who they thought was the one that enticed them to change their minds and they said that Mr. Rasmussen was the gentleman that did it. So I went across the street, opposite from the Beatrice Foods, and called Don Vestal.

Mr. KENNEDY. Mr. Don Vestal was president of local 327?

Mr. REEVES. That is correct, sir, and I told him at that time that the employer had ordered me off his premises and that they wanted no part of the teamsters at that time. So he asked me if I had knowledge of who was the instigator in having the employees change their mind. I told him that Mr. Rasmussen—the employees told me that Mr. Rasmussen was the gentleman that changed their minds. He said that he would have that situation taken care of, for me to just stay put. Well, some 30 or 35 minutes later I saw W. A. Smith come around the block, trying to find a place to park. The second time he came around he got out of the car in the middle of the heavy traffic and ran across the street and attacked Mr. Rasmussen, but I was on the opposite side of the street when the instance happened.

Mr. KENNEDY. Who was attacking him?

Mr. REEVES. W. A. Smith.

Mr. KENNEDY. And anybody else?

Mr. REEVES. Well, I saw Bobby Marsten and Henry T. Monk.

Mr. KENNEDY. Henry T. Monk?

Mr. REEVES. Yes.

Mr. KENNEDY. What was Henry T. Monk's position?

Mr. REEVES. He didn't have any position.

Mr. KENNEDY. He was just a member of the teamsters, of local 327?

Mr. REEVES. Yes, sir.

Mr. KENNEDY. And he was the third person present?

Mr. REEVES. Yes.

Mr. KENNEDY. The only person you saw hitting Mr. Rasmussen was W. A. Smith?

Mr. REEVES. That is correct. There were several automobiles and trucks that kept me from seeing clearly, but when Smitty got out of the automobile and ran across the street, of course, I followed him as near as I could with my eyesight and I did see him strike him. About 5 minutes later, the police arrived.

Mr. KENNEDY. After Smith had hit him, he ran and got in this truck, is that right, or his car, and drove away?

Mr. REEVES. I don't know what automobile he got in, sir, but he did get in a car.

Mr. KENNEDY. He came out of the store, ran down the street, and got in a car?

Mr. REEVES. As well as I could see, he attacked Mr. Rasmussen in the door of the office building.

Mr. KENNEDY. And after that took place, he ran out of there and got in the car and drove away; is that right?

Mr. REEVES. Yes.

Mr. KENNEDY. Subsequently the police came. Did you ever hear anything further about that? Were you ever interviewed by the police yourself?

Mr. REEVES. No, sir.

Mr. KENNEDY. As I understand it, after this assault took place, there were some siruping of some trucks according to the previous witness. Do you know anything about that?

Mr. REEVES. Yes; I do.

Mr. KENNEDY. Did you participate in any of the sirupings?

Mr. REEVES. I didn't personally put any sirup in, but I was in the company of the gentlemen who did.

Mr. KENNEDY. Under whose instructions was that done?

Mr. REEVES. That was Mr. Vestal's instructions. All the instructions came from Mr. Vestal. There wasn't anything done unless he O. K.'d it.

Mr. KENNEDY. How was that done?

Mr. REEVES. Well, we left the union office around 10:30 or 11 and as I left town we purchased 17, 18, or 20 bottles of white Karo sirup.

Mr. KENNEDY. Out of some grocery store?

Mr. REEVES. Not at one individual store. We didn't want to be obvious.

Mr. KENNEDY. Who made the purchases?

Mr. REEVES. We all did, sir.

Mr. KENNEDY. And where did you get the money for the purchases?

Mr. REEVES. I paid for it, sir, and the union reimbursed me the next day.

Mr. KENNEDY. Who reimbursed you?

Mr. REEVES. Edward Smith, secretary and treasurer of the teamsters.

Mr. KENNEDY. Did he know what the money was for?

Mr. REEVES. I told him.

Mr. KENNEDY. So you purchased some 18 cans of sirup?

Mr. REEVES. Glass bottles, sir.

Mr. KENNEDY. What did you do with them?

Mr. REEVES. Well, we got the information, where the trucks were being parked. They were out of town. The ones that I saw actually put in the tanks were at Columbia, Tenn.

Mr. KENNEDY. Columbia, Tenn.?

Mr. REEVES. We went from Columbia to Lawrenceburg, to Pulaski, Shelbyville, and Manchester. But I didn't actually see any sirup put in any tanks other than in Columbia.

Mr. KENNEDY. But did your companions then get out of the car with the sirup in their hands to sirup the trucks?

Mr. REEVES. Yes, sir.

Mr. KENNEDY. The only ones you actually saw being siruped were in Columbia, but the people in your car got out to sirup the other trucks; is that right?

Mr. REEVES. That is correct, sir.

Mr. KENNEDY. And by the time you returned home that night, was all the sirup gone?

Mr. REEVES. Yes, sir.

Mr. KENNEDY. Did you make that report to Don Vestal?

Mr. REEVES. Yes, sir.

Mr. KENNEDY. Tell us the conversation you had with Mr. Vestal.

Mr. REEVES. Well, he said, "We shall see what results this brings."

Mr. KENNEDY. Did he ask you a question first?

Mr. REEVES. He asked us did we sirup the trucks, and I told him as far as I knew, yes, that I actually saw it put in two.

Mr. KENNEDY. Did you tell him that all of it had been taken care of?

Mr. REEVES. That is right, sir.

Mr. KENNEDY. What did he say to you?

Mr. REEVES. He said, "We will see what results this brings."

Mr. KENNEDY. Did you have any other conversations with him?

Mr. REEVES. I beg your pardon?

Mr. KENNEDY. Did you have any other conversations with him?

Mr. REEVES. Not at that time, sir. About 4 or 5 hours later, we didn't get any reports on the results of it, and he said we didn't do such a good job after all.

Mr. KENNEDY. Did you participate in the siruping of any other trucks for any other company?

Mr. REEVES. No; I did not.

Mr. KENNEDY. That was the only company?

Mr. REEVES. That is right, sir. I didn't approve of that at the beginning, but I was working for him and I was supposed to take orders.

Mr. KENNEDY. Did you participate in any other act of violence or altercation which took place on the orders of Mr. Vestal or anybody else?

Mr. REEVES. Well, I didn't actually participate in it. I had the Shelbyville Pure Milk Co.

Mr. KENNEDY. What is the name of that?

Mr. REEVES. Shelbyville Pure Milk Co. That is a subsidiary of National Dairies.

Mr. KENNEDY. What happened there?

Mr. REEVES. Well, I organized those people in the fall of 1953, and we wasn't making any progress. The employer wanted to have an NLRB hearing and Mr. Vestal did not approve of that. He said, "We don't need any NLRB to determine whether we have the majority of the people or not. We will determine that." So, he instructed me to go to Shelbyville and get with the manager and tell him either he sign this agreement or recognize us as their bargaining agent or strike him, so I struck him.

We was on strike for some 3 weeks. In the meantime, this instance occurred, that the employer was still delivering milk just the same as he was before. So, one afternoon he asked me what progress we were making and I said, "As far as we are ever going to get a contract there, it will never materialize." He said, "Why?"

Mr. KENNEDY. Who is "he"?

Mr. REEVES. Mr. Vestal. He said, "Well, we better do something about this." A man by the name of James Ivey was in the office at that time, and he called myself and he in the office and said, "You take Big Ivey." That is what everybody calls him and he is known as that—

Mr. KENNEDY. Big Ivey?

Mr. REEVES. "Big Ivey with you in the morning."

Mr. KENNEDY. How big was he?

Mr. REEVES. He weighed around 300, and was about 6 feet. He is a small giant, you might say.

Senator CURTIS. What was his specialty?

Mr. REEVES. He was a truckdriver, sir. He just stood around the hall when he wasn't out.

Mr. KENNEDY. Go ahead.

Mr. REEVES. So, he told me to carry Ivey with me the next morning. So, at 2 o'clock in the morning I picked him up, because we started the picket line at 4. About 3 o'clock in the afternoon, the employer had these farmers riding these trucks with these people with shot-guns and rifles, and they had been arguing pro and con across the street. We were across the street at a service station, and the plant was opposite this service station. The employees and the ones that were still delivering milk just kept arguing and carrying on with each other. Mr. Ivey got two of these drivers to finally consent to go with him after one of the trucks left the plant to make a delivery. So, he took my automobile and followed the truck with these two gents out to this supermarket. Some 30 minutes later, the police came down and was going to carry me to jail because I had promised there would not be any violence or any disturbance. I told them I had no knowledge of what had transpired. So, about 5 o'clock Mr. Vestal called me from Nashville and told me that everything was all right, that the mail had been delivered.

Mr. KENNEDY. What did he mean by "the mail had been delivered"?

Mr. REEVES. That my car was at the office.

Mr. KENNEDY. That what?

Mr. REEVES. That my automobile and Mr. Ivey had returned to Nashville.

Mr. KENNEDY. Why did you talk like that?

Mr. REEVES. That was in case anybody was listening in or anything; they would not know what we were talking about.

Mr. KENNEDY. Did you have instructions to talk in those terms?

Mr. REEVES. That is right. We never said anything specific or called any names.

Mr. KENNEDY. From whom did you get those instructions?

Mr. REEVES. Mr. Vestal.

Mr. KENNEDY. That you never were to say anything specific about what you were doing on the telephone?

Mr. REEVES. Where we would be connected.

Mr. KENNEDY. With any of these acts that were taking place?

Mr. REEVES. That is true.

Mr. KENNEDY. Did you learn what Big Ivey had done?

Mr. REEVES. Well, he said—

Mr. KENNEDY. Who is "he"?

Mr. REEVES. Mr. Ivey—when he approached the supermarket, that these boys that were on the truck were in the process of entering the truck to take the milk out. One of them saw him as he started to get in the truck, and he ran. I understand he threw a bottle at him.

Mr. KENNEDY. He ran? Who ran, and who threw the bottle?

Mr. REEVES. I don't know the gentleman's name that was on the truck. One of the boys that was on the truck.

Mr. KENNEDY. Who threw the bottle?

Mr. REEVES. Mr. Ivey threw the bottle. He did catch the boy that was up in the truck, and I understand through his conversation that he did a pretty good job of beating him up, because he did have to go to the local clinic.

Mr. KENNEDY. This is what Ivey told you; that he had beaten this other man up; threw the milk bottle at the first man and beat the second man up so that he had to be taken to the clinic; is that right?

Mr. REEVES. He did not know he had to be taken to the clinic. He heard the sirens coming. They weren't too far from what the strike was on. He took off. He went through Murfreesboro, Lebanon, and back into Nashville.

Mr. KENNEDY. Did you learn he was taken to the clinic?

Mr. REEVES. Yes; I did. The chief of police at Shelbyville came down and told me of the instance that occurred. He said the man could have been killed.

Mr. KENNEDY. How were these acts of violence set up at the office of the teamsters? How did you go about handling them? Who made the arrangements?

Mr. REEVES. Mr. Vestal was the man who did the arrangements. He told you what to do and what not to do.

Mr. KENNEDY. Was Mr. W. A. Smith sent out of that area into any other area?

Mr. REEVES. He was sent out of the area; yes.

Mr. KENNEDY. Was he sent over to Knoxville on occasion?

Mr. REEVES. Yes; that is true.

Mr. KENNEDY. Did you understand, after he was sent over there, that dynamiting or shootings occurred?

Mr. REEVES. That is right, sir.

Mr. KENNEDY. Was he also sent out of the State?

Mr. REEVES. Yes, sir.

Mr. KENNEDY. Was he also sent to New Jersey?

Mr. REEVES. He was sent to New Jersey once and sent to Florida once.

Mr. KENNEDY. Do you know anything about what happened in New Jersey?

Mr. REEVES. Well, I understand they participated in the war between the AFL and CIO, and the teamsters were robbing the brewers, taking the brewers away from the present union they were in.

Mr. KENNEDY. Did you understand there was violence in New Jersey when he was sent up there?

Mr. REEVES. Yes, sir.

Mr. KENNEDY. And he was sent to Florida.

Mr. REEVES. Yes, sir.

Mr. KENNEDY. You understand there was some dynamiting down there, too?

Mr. REEVES. I heard that.

Mr. KENNEDY. Do you know that?

Mr. REEVES. No; I just heard that.

Senator CURTIS. From where would the orders be sent that he would go from Tennessee to New Jersey or Florida?

Mr. REEVES. Who would give the orders? Mr. Vestal would.

Senator CURTIS. Mr. Vestal is a local officer?

Mr. REEVES. He is president of local 327, in Nashville, of the teamsters.

Senator CURTIS. That local did not have any members or contracts in New Jersey or Florida, did it?

Mr. REEVES. Not to my knowledge; no, sir.

Senator CURTIS. How would he know that they wanted Smith?

Mr. REEVES. Well, I suppose someone asked for him.

Senator CURTIS. Who did? Do you know?

Mr. REEVES. No; I don't. That was strictly Mr. Vestal's business. He did not let us know that. He may have told Smith, but he didn't tell me.

Senator CURTIS. It would have to be someone in the head office of the teamsters union, would it not?

Mr. REEVES. Well, I assume so, sir; yes, sir.

Senator McNAMARA. Mr. Chairman, I have a couple of questions.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. You were an organizer for the teamsters union how long?

Mr. REEVES. About 18 months, sir. I am sorry I ever did that.

Senator McNAMARA. Were you an international organizer?

Mr. REEVES. No, sir; I was on a local basis. I understand Tennessee Joint Council 87 was paying part of it and the teamsters were paying the other part.

Senator McNAMARA. You were a local organizer, not an international organizer?

Mr. REEVES. No, sir; I was not.

Senator McNAMARA. Who hired you for that job?

Mr. REEVES. Mr. Vestal hired me back in August; August 11, 1952, prior to the election in the same month.

Senator McNAMARA. Were you previously a truckdriver?

Mr. REEVES. No, sir; I was employed by the Nashville Pure Milk Co., a subsidiary of National Dairies. I had worked there since 1946 until 1952.

Senator McNAMARA. You never were a truckdriver?

Mr. REEVES. I was a salesman for them, a route salesman.

Senator McNAMARA. What was the result, or what was the expected result of putting the sirup in the trucks?

Mr. REEVES. Well, I suppose that was revenge, sir.

Senator McNAMARA. What is that?

Mr. REEVES. Just to get revenge, I suppose.

Senator McNAMARA. No; I mean what would be the effect if it was sucked up into the gasoline lines, through the fuel lines?

Mr. REEVES. After the motor got hot, if they shut the engine off, it would lock up. It would cost a lot to fix it up.

Senator McNAMARA. Did these people put it in the gas tank?

Mr. REEVES. I can only vouch for two, sir.

Senator McNAMARA. They put it in the tank; took the caps off the tanks and put it in there?

Mr. REEVES. They had saddle tanks. They did; yes.

Senator McNAMARA. They put it right in the gas tank?

Mr. REEVES. Yes.

Senator McNAMARA. Theoretically, it would go up into the fuel pump and gum it up so it wouldn't work?

Mr. REEVES. That is right. That is what Mr. Vestal said it did.

Senator McNAMARA. When you were employed by the teamsters, do you know how many members, what percentage of the employees, were CIO and what percent were nonunion in this plant that you were attempting to organize?

Mr. REEVES. No, sir; I don't. I know that there were some that didn't belong to the union at all.

Senator McNAMARA. Do you think it is a substantial number or just a few?

Mr. REEVES. Just a few, sir.

Senator McNAMARA. This former employee of the company, Mr. Marston, was he working with you at this time this previous witness was beaten up?

Mr. REEVES. Was he working with me? Indirectly, no. He was there. He wasn't working. He wasn't on the payroll. He just was present.

Senator McNAMARA. He was a member of the CIO union. What was his interest in the teamsters?

Mr. REEVES. Well, he had a personal issue with Mr. Rasmussen, is my understanding. He wanted to get even with him for firing him, or however he got dismissed.

Senator McNAMARA. But he had no connection with the teamsters union?

Mr. REEVES. Not at all, sir.

Senator McNAMARA. Was your union under trusteeship at this time?

Mr. REEVES. The union was under trusteeship until August 27, 1952.

Senator McNAMARA. At this time, they were not?

Mr. REEVES. No, not at this time, no.

Senator McNAMARA. That is all, Mr. Chairman.

Mr. KENNEDY. Senator Curtis, in connection with your question, we had some testimony the other day regarding the telephone call that was made from a local down in Jackson, Miss. I do not believe this witness has any information about it. But there was a telephone call from the teamsters local in Jackson, Miss., asking for some help, and then the appearance of W. A. Smith down in that local, participating in the picket lines and then the two dynamitings that followed.

The CHAIRMAN. Let me ask you about Smith. We have had considerable testimony here, some direct and some circumstantial. Apparently they were trying to organize and decided to use violence and they sent for Smith. That seems to be the pattern.

Mr. REEVES. That would be my assumption, sir; yes.

The CHAIRMAN. That seems to be the pattern from other testimony.

Mr. REEVES. Yes; that is true.

The CHAIRMAN. Did you know him as a man or is he regarded as a man who committed the violence in these instances? I mean when there was trouble called for, he was sent out, and violence apparently

always occurred, as far as I can determine from the testimony. At least in many instances violence immediately occurred. Was he kept or used for that particular purpose? Was that his job, just goon activity?

Mr. REEVES. His title, sir, was business representative. I guess they could use him anywhere they wanted. He was that type of guy that if he wanted to do it, he would do it; yes, sir. In my opinion, he had no moral thought for the human at all if he stood in his way to get what he wanted.

The CHAIRMAN. Do you know of him dynamiting any place?

Mr. REEVES. No, sir; I do not. I have no knowledge of that.

The CHAIRMAN. Did he ever tell you about dynamiting?

Mr. REEVES. He was very skeptical, sir, of having anything to say about that, about anything that he might have participated in.

The CHAIRMAN. He told you nothing about any shootings?

Mr. REEVES. No, sir; he did not.

The CHAIRMAN. Do you remember the occasion when he got shot himself?

Mr. REEVES. Sir, I was not working with him at that time. I am glad to say I was out of that outfit.

The CHAIRMAN. Why are you glad to say you were out of that outfit?

Mr. REEVES. Because, I will tell you, my standards are not that low. I want to make apology to all the employers and people that was involved at the time that I did participate in it. It wasn't my idea at all.

The CHAIRMAN. It was not your idea, but you were under orders and you undertook to carry out orders?

Mr. REEVES. It was either that or else. I lost 8 years seniority with the Nashville Pure Milk Co. He let my leave of absence run out. When he fired me, I went back to get my job, and Mr. Woodruff, the route superintendent, told me that he could not use me any longer because I had no seniority.

The CHAIRMAN. Why did he fire you?

Mr. REEVES. Vestal? Because I would not do what he wanted done. He said I was soft.

The CHAIRMAN. You were soft?

Mr. REEVES. Yes. If I did not beat somebody up once a month—

The CHAIRMAN. You were not enthusiastic about committing crimes?

Mr. REEVES. I don't believe in that. A local does not have to do that to be a union.

The CHAIRMAN. All right.

Mr. KENNEDY. You did it for yourself for a while; did you not?

Mr. REEVES. I beg your pardon?

Mr. KENNEDY. You did it yourself for a while?

Mr. REEVES. Did what?

Mr. KENNEDY. Participated in unlawful acts.

Mr. REEVES. I did twice, sir.

Mr. KENNEDY. On the pouring of the sirup, I believe I failed to ask you who you were driving around in your car.

Mr. REEVES. Bobby Marston and Henry Monk.

Mr. KENNEDY. They were the ones who would get out with the sirup and pour it in?

Mr. REEVES. They were supposed to have, sir.

Mr. KENNEDY. They got out with the sirup and they got back in without it; did they not?

Mr. REEVES. That is correct, sir.

Mr. KENNEDY. Those are the same two fellows that beat—well, that is right. What reason did Mr. Vestal give for firing you?

Mr. REEVES. As I stated before, he said I was soft, that he did not need anyone that handled employers with kid gloves.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Thank you very much. The committee will stand in recess until 2 o'clock.

(Members present at the taking of the recess were Senators McClellan, McNamara, and Curtis.)

(Whereupon at 15:25 p. m., a recess was taken until 2 p. m., the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were Senators McClellan, Ives, McNamara, and Curtis.)

The CHAIRMAN. All right, Mr. Kennedy, call the next witness.

Mr. KENNEDY. Mr. Enos Reed.

The CHAIRMAN. Do you solemnly swear that the evidence you give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REED. I do.

TESTIMONY OF ENOS REED

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. REED. My name is Enos Reed, and my address is 133 Higgins Drive, Nashville, Tenn., and I am in the wholesale beer business.

The CHAIRMAN. Do you waive counsel, Mr. Reed?

Mr. REED. Yes, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Reed, you are a partner in the Ajax Beer Distributors?

Mr. REED. Yes, sir.

Mr. KENNEDY. And that is a company operating out of Nashville, Tenn.; is that right?

Mr. REED. Yes, sir.

Mr. KENNEDY. You had a number of different drivers? How many drivers did you have?

Mr. REED. I have 13.

Mr. KENNEDY. Now you were approached in June of 1954 by representatives of the teamsters union to sign a contract with the teamsters?

Mr. REED. Yes, sir; after they had walked out.

Mr. KENNEDY. After your drivers had walked out?

Mr. REED. Yes, sir.

Mr. KENNEDY. And what position did you take at that time with the teamsters union?

Mr. REED. I was called on June 4, about 7 o'clock in the morning. One of the salesmen told me to come on down to the office, that our

drivers had walked out. When I got there, all of the salesmen were assembled in the salesroom there, and when I walked in, 2 of the officials of the teamsters union came in and there was a dispute over a driver that 1 of the salesmen had fired, who had been working there 2 weeks.

He said he hired him on a trial basis and he wasn't any good, and they asked me if I would put him back to work, and I said "No." So they said they wanted to talk to me in private. I said, "Gentlemen, anything you have to say, you can say it in front of the salesmen."

Mr. KENNEDY. The two business agents so we can identify them, one was Red Vaughn, and the other was W. A. Smith?

Mr. REED. Yes.

Mr. KENNEDY. All right.

Mr. REED. They wanted to know if I would recognize the teamsters union for my drivers. They said that they had a majority of them signed up.

I said, "Well, gentlemen, you tell me you have a majority of them signed up. I don't know whether you have or not. Let us have an election with the NLRB and see if they want to join a union."

When I told them that, they said, "Hell, no," and they went out the front door and slammed the door so hard they broke the glass out of it.

Mr. KENNEDY. And the picketing took place.

Mr. REED. The picketing was already going on.

Mr. KENNEDY. Were there a number of acts of violence that followed that?

Mr. REED. Yes, sir.

Mr. KENNEDY. You had your tires slashed, of the automobiles?

Mr. REED. Yes, sir.

Mr. KENNEDY. Some of the salesmen?

Mr. REED. Two of the salesmen's cars, they slashed the tires on them.

Mr. KENNEDY. Was that incident reported to the police department?

Mr. REED. Yes, sir.

Mr. KENNEDY. Were your drivers followed when they left their place of business?

Mr. REED. Yes, sir; they were followed, and picketed at every place they stopped.

Mr. KENNEDY. Were they also run off the side of the road? Did that happen, on occasion?

Mr. REED. Well, on one occasion.

Mr. KENNEDY. That happened to one of your drivers?

Mr. REED. Yes, sir.

Mr. KENNEDY. Were any of your drivers beaten up?

Mr. REED. They were beaten up, and they refused to show up the next morning, and they would be beaten up at night. In fact, they run one off the truck, and the last time the salesman saw him he was 2 blocks down the street, running.

Mr. KENNEDY. What happened, again?

Mr. REED. They run one of them off the truck, out on the route.

Mr. KENNEDY. How many of the drivers were beaten up?

Mr. REED. Well, two was all I can recall now, and they were temporary drivers that I had hired after these men had walked out.

Mr. KENNEDY. They refused to come back to work after they were beaten?

Mr. REED. Yes, sir.

Mr. KENNEDY. And you had the windshield of one of your trucks smashed in?

Mr. REED. They threw a rock through the windshild of my car.

Mr. KENNEDY. What about the windshields of any of your trucks? Did that happen, or just your car?

Mr. REED. No; some of the windshields were broken in the blast, that is all.

Mr. KENNEDY. In the what?

Mr. REED. When they had the blast and blew the place up.

Mr. KENNEDY. I will come to that in a second.

The home of one of your salesmen was set on fire?

Mr. REED. Yes, sir.

Mr. KENNEDY. And was the house practically destroyed?

Mr. REED. It was destroyed inside; yes, sir.

Mr. KENNEDY. It was destroyed inside. Do you know how much the loss was there?

Mr. REED. No, sir; I don't.

Mr. KENNEDY. Then your warehouse, did that catch on fire?

Mr. REED. Well, that was several months later; yes, sir.

Mr. KENNEDY. What happened? That was the warehouse.

Mr. REED. Yes, sir; and someone piled some trash against the warehouse there and set it afire.

Mr. KENNEDY. Was there much damage?

Mr. REED. No, sir; it was set afire after the last man left, in the evening, and he forgot something. And he went back, and he saw the smoke, and he called the fire department which is only a block up the street, and there was very little damage.

Mr. KENNEDY. There was no question that the fire had been set? Is that right, and it wasn't just a faulty wiring or anything like that?

Mr. REED. It could not have been a faulty wiring.

Mr. KENNEDY. There was material against the side of your building?

Mr. REED. Yes, sir.

Mr. KENNEDY. And that had been placed on fire; is that right?

Mr. REED. Yes.

Mr. KENNEDY. When did that occur, approximately?

Mr. REED. Well, that was in July, I believe, July or August.

Mr. KENNEDY. But that was put out before there was any extensive damage?

Mr. REED. That is right.

Mr. KENNEDY. Did you also have a dynamiting that took place?

Mr. REED. Yes, sir.

Mr. KENNEDY. What happened there?

Mr. REED. Well, I had a night watchman that I had hired after they went on strike, and I had just let him go on the Thursday night and the police department called me at 4 o'clock Monday morning, and told me my place had been blown up.

Mr. KENNEDY. They found dynamite there, did they? They learned it was by dynamite?

Mr. REED. Yes, sir, they knew it was by dynamite.

Mr. KENNEDY. That was on June 26, 1954?

Mr. REED. Yes, sir.

Mr. KENNEDY. What was the damage?

Mr. REED. Well, the damage amounted to around \$6,000 in merchandise and damage to the building.

Mr. KENNEDY. Mr. Chairman: That is the dynamiting that Mrs. Freels testified about when she appeared before the committee last week. That Mr. Smith came back to the office and they were talking and laughing about the dynamiting that had occurred, and she expressed the fear that maybe one of them would be caught and they said, "We were driving away and driving down the road just like anyone else and they could never have pinned anything on us."

Did you go to the police regarding all of these matters?

Mr. REED. Yes, sir.

Mr. KENNEDY. Were they able to make any arrests in connection with it?

Mr. REED. Not to my knowledge.

Mr. KENNEDY. Did they express, or did anybody express to you their policy as far as labor disputes were concerned?

Mr. REED. I don't understand what you say.

Mr. KENNEDY. Did anybody from the police department or the sheriff's office express to you the policy or tell you what the policy of their respective offices were?

Mr. REED. They felt it was someone, either in the union or someone they had hired to do this job and maybe from out of town. They expressed the belief that it was someone that had been brought in there that no one knew about or did not know personally in Nashville.

Mr. KENNEDY. Did you feel it was connected with the labor dispute, all of this violence?

Mr. REED. I personally did, yes, because we never had any trouble with anyone and I don't know of any enemy I have in Nashville.

Mr. KENNEDY. Did any of the police officers or officers from the sheriff's office say to you that they would not investigate this matter or could not look into it because it was a labor dispute?

Mr. REED. The only statement made in regard to that was by the late Tom Cartwright, the sheriff at that time, that he was going to keep hands off of the matter, that he felt like it was a policeman's duty, or city police duty.

Mr. KENNEDY. Did he say anything about it being a labor dispute?

Mr. REED. No; not that I remember at that time.

Mr. KENNEDY. Did he at any time?

Mr. REED. I can't recall that.

Mr. KENNEDY. Nobody ever said anything to you about keeping hands off policy because it was a labor dispute?

Mr. REED. No.

Mr. KENNEDY. They did not?

Mr. REED. I did not feel like I got the protection I should have.

Mr. KENNEDY. That is all? There were no arrests made?

Mr. REED. I want to correct one thing there. When they threw that brick through my windshield, one of the boys that were picketing was arrested and fined for that.

The CHAIRMAN. One of the boys that was picketing?

Mr. REED. Yes, sir.

Mr. KENNEDY. That was Red Vaughn.

Mr. REED. No, sir; it was just one of the pickets.

Mr. KENNEDY. Up here on No. 102, we have on June 15—

Mr. REED. That was a fight that occurred down there between one of my salesmen and Red Vaughn. They arrested both of them and they turned my salesman loose and fined Red Vaughn \$25.

Senator CURTIS. How many drivers did you say you had?

Mr. REED. Thirteen.

Senator CURTIS. Well, now, when Red Vaughn and W. A. Smith visited you on June 4, 1954, they said that they had a majority of your men signed up.

Mr. REED. Yes, sir.

Senator CURTIS. How many did they have signed up?

Mr. REED. They wouldn't show me the list and I didn't know. I asked them to have an election and they wouldn't do it.

Senator CURTIS. Do you have any idea how many they had signed up?

Mr. REED. No, sir; I don't. I know several of them were scared and they scared them and they wouldn't appear to work and they were even made to walk the picket line.

That is the word that came to me, the man told me later and a month or two later they were all back to work anyway.

Senator CURTIS. Did you ever sign up with the teamsters union?

Mr. REED. No, sir.

Senator CURTIS. And these workers are back and apparently satisfied not to do so?

Mr. REED. Yes, sir.

Senator CURTIS. Were any of their families or wives threatened or intimidated, that you know of?

Mr. REED. Not as far as the salesmen were concerned.

Senator CURTIS. I mean the drivers.

Mr. REED. I don't know. Most of them were colored.

Senator CURTIS. But you felt they were unwilling picketers?

Mr. REED. Yes, sir.

Senator CURTIS. What was the name of the salesman whose home was set fire to?

Mr. REED. William Brinkley.

Senator CURTIS. Do you know how much damage it was?

Mr. REED. No, sir; I don't know the amount. He had to have the whole thing refinished and it ruined the furniture.

Senator CURTIS. Do you know why his home was singled out for burning?

Mr. REED. Well, he had a run-in with some of them picketing his truck while he was out on the route 2 or 3 times and I think if it was burned by the union or any member of the union, that was probably the reason for it. Of course, we don't know that.

Senator CURTIS. He was one of the men they were trying to get into the union?

Mr. REED. No, sir. That is a salesman. I have two men on a truck, a driver—a colored boy is a driver—and a salesman who sells the beer and collects for it and the driver brings it in.

Senator CURTIS. And he had some clash with the people who were following his truck?

Mr. REED. Yes, sir.

Senator CURTIS. And so then his home was set fire to. Was anyone home at the time?

Mr. REED. No, sir; they were at a friend's house at a party.

Senator CURTIS. Was there police investigation of that?

Mr. REED. Yes, sir.

Senator CURTIS. What happened?

Mr. REED. Nothing, they never did find anything.

Senator CURTIS. Did they ever pick up anyone and detain them and question them about that?

Mr. REED. Not to my knowledge.

Senator CURTIS. In connection with any of these offenses, was anyone ever picked up and questioned and investigated in that manner?

Mr. REED. In regard to the dynamiting, you mean?

Senator CURTIS. Yes, any and all of these offenses.

Mr. REED. The only ones who were picked up was when these two fellows had a fight, my salesman had a fight with Ray Vaughn and they were arrested. One of the men saw the colored boy throw the rock through my windshield and that is the only two arrests that I know of.

Senator CURTIS. The only response you would get from reporting to the police is that they would come around once, and appear to look a little bit and not find anything and you never heard about it again?

Mr. REED. They assigned two detectives to that case and they were out there nearly every day, in and out, and they were investigating.

They said they felt like they knew who did it, but they didn't have the proof, and they wouldn't tell me who they thought did it.

Senator CURTIS. They never picked them up?

Mr. REED. No, sir.

Senator CURTIS. That is all.

Senator McNAMARA. In 1953 when you were having this trouble, you contacted the sheriff's office and was your plant located in Nashville?

Mr. REED. Yes, sir.

Senator McNAMARA. You did not contact the local police department?

Mr. REED. Oh, yes, sir. The police were the first ones there.

Senator McNAMARA. Who did you contact in the police department?

Mr. REED. Martin Stevenson in the office and, of course, I just talked to the desk sergeant and he sent a car right out.

Senator McNAMARA. Do you know his name?

Mr. REED. No, I don't; he takes all of the calls.

Senator McNAMARA. He assigned a couple of detectives from the city police force?

Mr. REED. To investigate; yes, sir.

Senator McNAMARA. And the investigation led nowhere?

Mr. REED. Yes, sir.

Senator McNAMARA. Were you satisfied they made a thorough investigation or not? I ask you this because of some of the previous testimony.

Mr. REED. I am not actually in a position to say because I was not with them and I don't know what they actually did.

Senator McNAMARA. You are in no position to judge whether or not they made a complete investigation?

Mr. REED. No; they were very nice to me in a lot of matters. You see, I happened to be within a block of their garage and where car No. 1 and car No. 2 territory meets and they are by there every hour of the day in one car or the other, you see. If anybody wants to do anything, they are watching that anyway.

Senator McNAMARA. You still have the same number of employees, about 13?

Mr. REED. Yes, sir.

Senator McNAMARA. Drivers?

Mr. REED. I have a few more.

Senator McNAMARA. You still operate a driver and a salesman working as a team?

Mr. REED. Yes, sir.

Senator McNAMARA. That is all, Mr. Chairman.

The CHAIRMAN. All right, call the next witness.

Mr. KENNEDY. Mr. Frank J. Allen.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALLEN. I do.

TESTIMONY OF FRANK J. ALLEN

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. ALLEN. Frank J. Allen, 2024 Ellsworth Drive, Nashville, Tenn., and I am not occupied at the present time.

The CHAIRMAN. What is your former employment?

Mr. ALLEN. Hayes Freight Lines.

The CHAIRMAN. In what capacity?

Mr. ALLEN. As terminal manager.

The CHAIRMAN. As what?

Mr. ALLEN. Terminal manager.

The CHAIRMAN. Do you waive counsel?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, this is a witness who will testify to a beating and we will have three witnesses, including this one on this particular matter. He is the first of three witnesses. Mr. Allen, prior to July of 1956, you were terminal manager for the Terminal Transport Co.?

Mr. ALLEN. Yes, sir.

Mr. KENNEDY. In Nashville; is that right?

Mr. ALLEN. Yes, sir.

Mr. KENNEDY. Their main offices were in Atlanta, Ga.?

Mr. ALLEN. That is correct.

Mr. KENNEDY. And you held the same position during 1955.

Mr. ALLEN. Yes.

Mr. KENNEDY. Now, in performing your duties, did you have some conversations with Mr. W. A. Smith of local 327 in Nashville?

Mr. ALLEN. Yes, sir; Mr. Smith was the business agent assigned to our terminal at that time.

Mr. KENNEDY. Prior to April 5, 1955, did you have a dispute or did Mr. W. A. Smith raise a question of the policy of the company with you?

Mr. ALLEN. Yes; in regard to the way—not the way but the people that we worked.

Mr. KENNEDY. Would you explain that to the committee?

Mr. ALLEN. The company found it was necessary to employ part-time drivers in order to take care of the business over the weekends. These drivers, some of them, came through the union hall and some of the drivers we hired direct. They were not the regular employees of the company, but drivers who we worked 1 or 2 days during the week.

Mr. KENNEDY. Did you have a question raised by Mr. Smith, a question raised with you regarding one of these drivers that you hired?

Mr. ALLEN. Yes; previous to the weekend, Mr. Smith told us not to run a driver, I believe his name was Mays over the weekend. As I understand it, he was not a union member at that time and he suggested some drivers that we should run.

Mr. KENNEDY. He was making the suggestion as to what drivers you should hire and what drivers you should use; is that right?

Mr. ALLEN. That is right.

Mr. KENNEDY. Then he came in to see you on April 5, 1955.

Mr. ALLEN. I think that is the date.

Mr. KENNEDY. He came into your office?

Mr. ALLEN. Yes, sir.

Mr. KENNEDY. And you had a conversation with him at that time?

Mr. ALLEN. Yes, sir.

Mr. KENNEDY. Will you relate what you discussed in general terms?

Mr. ALLEN. Mr. Smith and the road driver, another Mr. Smith, A. B. Smith, who was a steward at the time, came into the office to discuss the weekend operation and also any grievances that might have arisen. Mr. Davis and Mr. Smart were in the office at the time. We discussed some few minutes about our method of dispatch over the weekend and some driver had some complaint about the way he was run. We discussed that for a few minutes and then Smith asked if we had run this driver Mays over the weekend. I am not sure whether I answered him or Mr. Davis answered him, but the answer was, "Yes; we did run Mr. Mays."

Mr. KENNEDY. You told him that you had run him?

Mr. ALLEN. Yes, sir. There was just a minute of conversation after that and Mr. Smith and the road steward got up to go out of the room, out of the door, and I thought that they were leaving at that time and I stood up at my desk and was looking at some papers on the desk and then I looked up and Mr. Smith, W. A. Smith, was right in front of me. He said something to the effect, "Take your hand out of your pocket," and then he hit me across the face.

Mr. KENNEDY. Then did he continue to hit you?

Mr. ALLEN. Yes; the first blow knocked me—I didn't know too much what I was doing.

Mr. KENNEDY. Senseless?

Mr. ALLEN. Senseless, in a manner, yes; and he continued to hit me. I was trying to avoid the blows.

Mr. KENNEDY. He continued to hit you around the face and the body?

Mr. ALLEN. Around the face.

Mr. KENNEDY. And finally finished and left; is that right?

Mr. ALLEN. Yes.

The CHAIRMAN. What condition were you in when he left?

Mr. ALLEN. I was in pretty bad shape. My nose was bleeding. He struck me across the side of the face and the nose, and I was bleeding from a cut over my eye. I was very dizzy and sick at my stomach.

The CHAIRMAN. Did you have to go to a hospital?

Mr. ALLEN. At that time I went to a clinic. The doctor sewed my eye—above my eye—and then later on that afternoon I went to a hospital. I was X-rayed, and there were several bones broken. My nose was broken on that side. I stayed in the hospital about 1 week.

The CHAIRMAN. Do you know whether he hit you with anything other than his fists?

Mr. ALLEN. No; I do not know for sure.

Mr. KENNEDY. There were some witnesses to the beating, were there not—some people there who observed the beating?

Mr. ALLEN. Yes. Mr. Davis, the chief dispatcher, and Mr. Smart, the clerk in the office.

Mr. KENNEDY. Did you decide to press charges on that against Mr. Smith?

Mr. ALLEN. Did I decide to? No; at the time that it happened, after I went to the hospital, I talked to my lawyer, and he didn't think there would be much use of pressing charges, because previous to this there had been nothing much done, only a small fine or something of that kind, in cases of this kind.

Mr. KENNEDY. Did Mr. Joseph Katz, the president of the company, come down to see you?

Mr. ALLEN. Yes; he did.

Mr. KENNEDY. Did he recommend that you press charges?

Mr. ALLEN. Yes; he did.

Mr. KENNEDY. Therefore, you reconsidered and decided to press charges?

Mr. ALLEN. That is correct.

Mr. KENNEDY. And you had these two witnesses plus yourself who could identify Mr. W. A. Smith as the assailant; is that right?

Mr. ALLEN. That is correct.

Mr. KENNEDY. So you decided to go ahead. Was Mr. Smith indicted?

Mr. ALLEN. Yes; he was.

Mr. KENNEDY. Indicted on a charge of assault with intent to commit murder?

Mr. ALLEN. I am not sure—

Mr. KENNEDY. I believe that is the way the indictment reads.

Mr. ALLEN. It was assault, but I am not sure whether it was to commit murder or not.

Mr. KENNEDY. Or assault with intent to kill? Do you know which it was?

Mr. ALLEN. No; I am not sure.

Mr. KENNEDY. Mr. Chairman, that is how the indictment read. I believe it was No. 91, assault with intent to kill.

The CHAIRMAN. Well, he was indicted for what he did do.

Mr. ALLEN. Yes, sir.

Mr. KENNEDY. That was because of Mr. Katz' coming up from Atlanta, Ga.? He came to see you and said he wanted the case pressed; is that right?

Mr. ALLEN. He asked me to press it; yes.

Mr. KENNEDY. And you appeared before the grand jury and these other gentlemen appeared before the grand jury, and Mr. W. A. Smith was indicted?

Mr. ALLEN. That is correct.

Mr. KENNEDY. Did the case ever go through? Did you ever appear in any trial?

Mr. ALLEN. No; I didn't.

Mr. KENNEDY. You withdrew the charges?

Mr. ALLEN. I withdrew the charges.

Mr. KENNEDY. Did you have a further conversation with Mr. Katz, the president of the company?

Mr. ALLEN. Yes; I did.

Mr. KENNEDY. Will you tell the committee what happened at that time?

Mr. ALLEN. Mr. Katz asked me to withdraw the charges, and I did.

Mr. KENNEDY. Did he explain to you why?

Mr. ALLEN. No; he didn't explain to me why, and I assumed that it was to possibly get along with the union better if we didn't press the charges.

Mr. KENNEDY. Did he tell you that he had had any conversation with Mr. San Soucie of Indianapolis?

Mr. ALLEN. No, sir; he didn't.

Mr. KENNEDY. Did he tell you he had a conversation with Mr. Hoffa regarding this, prior to asking you to withdraw the charges?

Mr. ALLEN. No, sir.

Mr. KENNEDY. Did he tell you that his representative had a conversation with Mr. Dusty Miller about withdrawing the charges?

Mr. ALLEN. No, sir.

Mr. KENNEDY. What did he tell you when he asked you to withdraw the charges, after you had decided, at his suggestion, to press the charges originally? Did he precede the remarks by making any statement?

Mr. ALLEN. Well, he did make the statement that it was a very hard thing for him to do, to ask me to drop the charges.

Mr. KENNEDY. But he didn't give any reason beyond that?

Mr. ALLEN. No, sir.

Mr. KENNEDY. You just understood it was in order to get along with the union?

Mr. ALLEN. That is correct.

Mr. KENNEDY. Were most of the employees of your company in favor of you pressing the charges?

Mr. ALLEN. That I don't know, sir.

Mr. KENNEDY. Was that the request of Mr. Katz, that you withdraw the charges?

Mr. ALLEN. Yes; he asked me to.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. How did you go about to withdraw these charges? Did you go to the prosecutor's office, or what did you do?

Mr. ALLEN. I went to the court when the case was called for trial, when it came up for trial. I went to the court and asked the court to drop the charges.

Senator CURTIS. Did you have a conversation with the prosecutor before the court convened?

Mr. ALLEN. The attorney general?

Senator CURTIS. Yes.

Mr. ALLEN. No, sir; I never talked to the attorney general.

Senator CURTIS. You just went in on your own and when the case was called you got up and said you were dropping the charges?

Mr. ALLEN. That is correct.

Senator CURTIS. Did they know you were going to do that?

Mr. ALLEN. I don't know, sir. Well, possibly so. The attorney, my attorney, I had talked to him before, a couple of days before, I believe, and told him that I wished to drop the charges. He was assisting in the prosecution.

Senator CURTIS. As a private lawyer? He wasn't an assistant attorney general?

Mr. ALLEN. No, sir. He was a private lawyer.

Senator CURTIS. What judge presided over that court?

Mr. ALLEN. Judge Gilbert.

Senator CURTIS. Did he make any comments when you announced that you were dropping serious charges like this?

Mr. ALLEN. Yes; he did.

Senator CURTIS. What did he say?

Mr. ALLEN. He gave me quite a dressing down for making the charge and then withdrawing it.

Senator CURTIS. What was he mad about? Because you made it or because you dropped it?

Mr. ALLEN. Because I dropped it.

Senator CURTIS. Did he say anything to the prosecutor for permitting it to be dropped?

Mr. ALLEN. I don't remember him saying anything to the prosecutors.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. What had you done to get this beating?

Mr. ALLEN. Nothing that I know of, sir.

The CHAIRMAN. What was his complaint against you? As I understood, you had sent somebody out to work at this spare-time job.

Mr. ALLEN. That was his complaint, that I hadn't worked the man that he had recommended, and I had worked the man that he asked me not to.

The CHAIRMAN. Were they unionmen?

Mr. ALLEN. The one that I worked was nonunion at that time. I understand he joined the union later on.

The CHAIRMAN. And the one that he recommended was a unionman?

Mr. ALLEN. Yes.

The CHAIRMAN. That is why he beat you up?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. Was your plant organized at that time?

Mr. ALLEN. Yes; it was.

The CHAIRMAN. It was organized at that time?

Mr. ALLEN. Yes.

The CHAIRMAN. So your sin, the offense you committed, was sending out a nonunion driver on the truck?

Mr. ALLEN. That is right, sir.

The CHAIRMAN. And for that you got this beating?

Mr. ALLEN. Yes.

The CHAIRMAN. When did you quit the employ of this company?

Mr. ALLEN. I believe in July of 1956.

The CHAIRMAN. You haven't worked since?

Mr. ALLEN. Yes, sir; I worked for Hayes Freight Lines.

The CHAIRMAN. You worked for Hayes Freight Lines?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. I guess you didn't put on any nonunion truck-drivers any more after that; did you?

Mr. ALLEN. Yes, sir; I did.

The CHAIRMAN. You did?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. You were taking a pretty big risk; were you not?

Mr. ALLEN. Well, I would have been more prepared for anything of this kind after that.

The CHAIRMAN. You made a little preparation?

Mr. ALLEN. Well, in my mind I would have been more watchful about who I was talking about and who I would turn my back on.

The CHAIRMAN. Did he ever give you any more trouble after that?

Mr. ALLEN. No, sir.

The CHAIRMAN. Is this fellow Smith from Nashville?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. We have had a lot of testimony about him as a kind of a troubleshooter to be sent around over the country to commit violence.

Mr. ALLEN. I understand that now, sir.

The CHAIRMAN. You didn't know it then?

Mr. ALLEN. I did have at that time some knowledge of his reputation, but I was unprepared for any action on his part at that time.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. How old are you?

Mr. ALLEN. I am 47.

Mr. KENNEDY. Did you mind withdrawing the charges?

Mr. ALLEN. No; I didn't mind.

Mr. KENNEDY. You did not?

Mr. ALLEN. No.

Mr. KENNEDY. Who paid the court costs?

Mr. ALLEN. Yes.

Mr. KENNEDY. You paid them?

Mr. ALLEN. The company paid them.

Mr. KENNEDY. The company paid them in this case?

Mr. ALLEN. I beg your pardon?

Mr. KENNEDY. The company paid them in this case?

Mr. ALLEN. Yes.

The CHAIRMAN. Why did you not mind withdrawing the charges? I would not like to just get beat up like that, with my nose broken and a cut over the eye without having a little satisfaction some-

where. I don't know whether I could get it personally. It seems to me like after having initiated the charges you would want to see justice done.

Mr. ALLEN. Well, in the case of justice, it was entirely my idea that I should have been prepared for anything of that kind.

The CHAIRMAN. You kind of blamed yourself for not being better prepared?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. I don't think that excuses a man to walk up and knock you in the head just because you are not prepared. I hope that doesn't justify it. Is there anything further?

Senator CURTIS. Mr. Chairman, I think it would be well to observe at this point with reference to sending out a driver who didn't belong to the union, that was no violation of law. The Federal law prohibits the closed shop. Even under a union-shop contract, he would have 30 days or some such period after his employment to join the union. No offense whatever was committed by this man.

The CHAIRMAN. I didn't think any offense was committed, but I cannot quite rationalize his attitude about it. I think I would have been a little unhappy to take a beating like that for nothing and then be compelled to withdraw the charges. Did you feel you were under compulsion when you withdrew the charges?

Mr. ALLEN. No, sir.

The CHAIRMAN. The head of your company said it was a hard thing for him to have to do to ask you to withdraw them?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. And he is the one who prompted you to initiate the charges as I understand it.

Mr. ALLEN. Yes, sir.

The CHAIRMAN. Has his boss been contacted to give an explanation?

Mr. KENNEDY. He will be a witness.

The CHAIRMAN. He will be around here? All right.

Thank you very much.

Call your next witness.

Mr. KENNEDY. Mr. Wallace Davis.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAVIS. Yes.

TESTIMONY OF WALLACE DAVIS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. DAVIS. My name is Wallace Davis. I live at 8363 Monte Vista Street, Jacksonville, Fla. I am employed by the Great Southern Trucking Co. as their transportation control manager.

The CHAIRMAN. You waive counsel, do you, Mr. Davis?

Mr. DAVIS. Yes.

The CHAIRMAN. Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Davis, you worked for the Terminal Trucking Co. during 1955?

Mr. DAVIS. Yes.

Mr. KENNEDY. What was your position at that time?

Mr. DAVIS. Chief dispatcher.

Mr. KENNEDY. You were present at the time that Mr. W. A. Smith came on April 5, 1955?

Mr. DAVIS. Yes.

Mr. KENNEDY. At the time he gave the beating to the previous witness?

Mr. DAVIS. Yes.

Mr. KENNEDY. Could you tell the committee what transpired.

Mr. DAVIS. Well, W. A. Smith, or Smitty as he was known as, and A. B. Smith, line driver steward, came out to discuss the hiring of extra help or casual help that they used on the weekends and when we were in need of casual labor. They discussed that along with perhaps some other things that they might have had, such as grievances. But the main topic of conversation was the employment of these casual drivers.

Smith was not—that is, Smitty—was not pleased with the men that Mr. Allen had selected. He wanted him to use the men that he sent to him from the union hall. The conversation got somewhat heated and Smith appeared to be leaving, and then he turned and came back and started his attack on Mr. Allen.

Mr. KENNEDY. How would you describe the attack?

Mr. DAVIS. Well, it was a brutal, vicious sort of an attack.

Mr. KENNEDY. Was Mr. Allen able to fight back at all?

Mr. DAVIS. No, I don't think he was able after the first blow. He apparently was unaware that he was going to be hit, and after that blow he was not able to fight back.

Mr. KENNEDY. Did Smith just keep hitting him even with Allen just standing there?

Mr. DAVIS. Yes; he did. And apparently he was choking him while Mr. Allen was defenseless.

Mr. KENNEDY. Have you ever seen anything like that before?

Mr. DAVIS. No.

Mr. KENNEDY. What did you try to do, or what did anybody else try to do?

Mr. DAVIS. There was very little I could do. In the arrangement of the office at that time I was across a double desk. There was very little I could do. There was no attempt on my part other than I did ask Smitty to come on and get out before he got in trouble, and he turned and said to the steward, "Let's get out of here."

Mr. KENNEDY. So they went out through the door?

Mr. DAVIS. So they left.

Mr. KENNEDY. What was the condition of Mr. Allen after Mr. Smith left?

Mr. DAVIS. He was bleeding around the nose and face, and had begun to swell around the eye and nose. He went into the restroom, together with one of the shopmen out in the shop, to wash up his face and so on, and sort of examine his condition.

Mr. KENNEDY. Was he taken to the hospital after that?

Mr. DAVIS. I believe he was taken to a doctor.

Mr. KENNEDY. Did you call Mr. Katz, the president of the company?

Mr. DAVIS. No. I—I called Atlanta. I called the general office, and I believe I talked to Mr. Spikerman, the vice president at that time.

Mr. KENNEDY. Did you describe to him what had happened?

Mr. DAVIS. Yes. I told him what had occurred and what had happened.

Mr. KENNEDY. Did Mr. Katz come down then the following day?

Mr. DAVIS. Yes; he, and I believe Mr. Spikerman, both came the following day, the best I recall. They both came either late that day or early the next day.

Mr. KENNEDY. Did you see Mr. Katz when he came down?

Mr. DAVIS. I saw him while he was there; yes.

Mr. KENNEDY. Was he upset and incensed as to what had happened to Mr. Allen?

Mr. DAVIS. He appeared to be angry about it.

Mr. KENNEDY. Did he want something done about it?

Mr. DAVIS. Yes.

Mr. KENNEDY. He wanted Mr. W. A. Smith prosecuted; is that right?

Mr. DAVIS. Yes.

Mr. KENNEDY. Mr. Allen decided to prosecute and then did you appear before the grand jury?

Mr. DAVIS. I went to the court but I did not appear before the grand jury. I was not called before the grand jury to give any testimony.

Mr. KENNEDY. But Mr. Smith was indicted; was he not?

Mr. DAVIS. Yes.

Mr. KENNEDY. Did you understand that the charges were withdrawn?

Mr. DAVIS. Yes.

Mr. KENNEDY. Were you surprised at that?

Mr. DAVIS. Yes; I was.

Mr. KENNEDY. Did you have any explanation or did you understand why the charges were withdrawn?

Mr. DAVIS. No; I did not. I wasn't with Terminal Transport at the time the charges were withdrawn and I knew nothing about it.

Mr. KENNEDY. What is your best information as to why the charges were withdrawn?

Mr. DAVIS. Well, it was generally believed among the people there that it was withdrawn to keep down labor trouble or pressure put on the company by the union.

Mr. KENNEDY. That is what was generally understood?

Mr. DAVIS. Yes.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions?

If not, thank you very much, Mr. Davis.

Call your next witness.

In the meantime, the Chair will insert in the record at this point an affidavit from Charles H. Smart, who was also present. The affidavit will be printed in the record in full. So we may get a general idea, I will read only part of it.

It seems that Mr. W. A. Smith wanted to have Mr. Allen hire certain union drivers on weekends. Mr. Allen, in his normal, mild manner, did not agree. Suddenly, without provocation, I saw W. A. Smith strike Allen a number of times in the face with his fist. I could see that Mr. Allen was dazed from the

blows and bleeding profusely from the face and head. I quickly left the room in order to get help. When I returned to the office with a couple of men, I saw A. B. Smith, the steward, walking out of the building with W. A. Smith. A short time after the assault had taken place, Mr. A. B. Smith, who did not participate whatsoever in the assault, returned to Mr. Allen's office. He was quite upset, and he remarked to Mr. Allen that he had no idea that W. A. Smith would attack Mr. Allen. He further stated that, if he had any idea that anything like that was going to happen, he would not have accompanied the teamster union official to Mr. Allen's office.

(The affidavit referred to follows:)

AFFIDAVIT

I, Charles H. Smart, who reside at 927 McClurkia Avenue, Nashville, Tenn., freely and voluntarily make the following statement to LaVern J. Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor-Management Field. No threats, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee:

Since the year 1955, I have held the position of dispatch clerk for the Terminal Transport Co., with offices in Nashville, Tenn. I recall on April 5, 1955, I was sitting at my desk, which was located approximately 5 feet from the desk of Mr. Frank Allen, the terminal manager for the company, when 2 men came into the office to see Mr. Allen. One of the men was W. A. Smith, teamster business agent in Nashville, and the other man was A. B. Smith, a steward for the teamster union, employed at the Terminal Transport Co. in Nashville. It always made an impression on me when W. A. Smith of the teamster union would visit the office, because he was always loud and boisterous. His visit to the office on April 5 was no exception; at the outset of his discussion with Mr. Allen, he began yelling and making certain demands.

It seems that Mr. W. A. Smith wanted to have Mr. Allen hire certain union drivers on weekends. Mr. Allen, in his normal, mild manner, did not agree. Suddenly, without provocation, I saw W. A. Smith strike Allen a number of times in the face with his fist. I could see that Mr. Allen was dazed from the blows and bleeding profusely from the face and head. I quickly left the room in order to get help. When I returned to the office with a couple of men, I saw A. B. Smith, the steward, walking out of the building with W. A. Smith. A short time after the assault had taken place, Mr. A. B. Smith, who did not participate whatsoever in the assault, returned to Mr. Allen's office. He was quite upset, and remarked to Mr. Allen that he had no idea that W. A. Smith would attack Mr. Allen. He further stated that, if he had any idea anything like that was going to happen, he would not have accompanied the teamster-union official to Mr. Allen's office.

I have read the foregoing statement, and, to the best of my knowledge, it is true and correct.

CHARLES H. SMART.

Witnesses:

LAVERN J. DUFFY.
JAMES MCSHANE.

Sworn to and subscribed before me this 14th day of August 1957.

[SEAL]

ROBERT D. HALL,
Chief Deputy Clerk, United States District Court, Nashville, Tenn.

Mr. KENNEDY. Mr. Joseph A. Katz, please.

The CHAIRMAN. Come forward, Mr. Katz.

You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KATZ. I do.

STATEMENT OF JOSEPH KATZ

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. KATZ. Joe Katz, 3460 Tuxedo Road, Atlanta, Ga., president, Terminal Transport Co.

The CHAIRMAN. Do you waive counsel, Mr. Katz?

Mr. KATZ. Yes, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Katz, you are president of the Terminal Transport Co.?

Mr. KATZ. Yes, sir.

Mr. KENNEDY. For how long have you held that position?

Mr. KATZ. I start my seventh year this coming January.

Mr. KENNEDY. You operate in how many States?

Mr. KATZ. Approximately 6 or 7 States.

Mr. KENNEDY. Six or seven States?

Mr. KATZ. Yes.

Mr. KENNEDY. What area of the country?

Mr. KATZ. What area? We operate directly north and south.

Mr. KENNEDY. On the eastern seaboard?

Mr. KATZ. Yes.

Mr. KENNEDY. And how many drivers do you have?

Mr. KATZ. We have, approximately, between 200 and 250 drivers.

Mr. KENNEDY. And that includes over-the-road drivers as well as local drivers?

Mr. KATZ. That is right.

Mr. KENNEDY. You have contracts with the teamsters union?

Mr. KATZ. Yes, sir.

Mr. KENNEDY. Covering those drivers, or the vast majority of the drivers?

Mr. KATZ. Yes.

Mr. KENNEDY. You learned in April of 1955 that Mr. Allen, who was the terminal manager in Nashville, was beaten; is that right?

Mr. KATZ. I don't remember the exact date, but I did hear that he was beaten.

Mr. KENNEDY. In April 1955.

Mr. KATZ. If that is the date, I will go along with it.

Mr. KENNEDY. You learned that in Atlanta, and you came from Atlanta to Nashville to look into the matter?

Mr. KATZ. Yes.

Mr. KENNEDY. You talked to Mr. Allen at that time?

Mr. KATZ. I went to the hospital to see Mr. Allen.

Mr. KENNEDY. You say he was badly beaten?

Mr. KATZ. That is right.

Mr. KENNEDY. Did you recommend at that time that he press charges against W. A. Smith?

Mr. KATZ. Yes.

Mr. KENNEDY. And he agreed to do so?

Mr. KATZ. Yes.

Mr. KENNEDY. There was a grand jury, and Mr. W. A. Smith was indicted for assault with intent to kill. You subsequently contacted Mr. Allen and suggested that he withdraw these charges; is that right?

Mr. KATZ. I don't know exactly what the story was in Nashville—I mean what type of case it was—but I did talk to Frank and suggested that he drop the case.

Mr. KENNEDY. In between the time that you came to Nashville and suggested that he press the case, and the time that you came to Nashville and suggested that he withdraw the case, what teamster officials did you talk this matter over with?

Mr. KATZ. I talked to Mr. San Soucie up in—I think that was Indianapolis at that time.

Mr. KENNEDY. That is Gene San Soucie?

Mr. KATZ. Yes.

Mr. KENNEDY. What was his position in the teamsters?

Mr. KATZ. He was president of local 135

Mr. KENNEDY. What conversations did you have with him?

Mr. KATZ. We were discussing some other things, and that came up. Gene suggested to me that I drop it.

Mr. KENNEDY. For what reason?

Mr. KATZ. Just that, apparently, things were going along so well with our company. You see, before I bought this company, this company had a lot of union trouble, a lot of it. And then, after I bought it, we had several strikes, too. We had started getting our labor relations in pretty good shape. Some of the drivers had also discussed it with me. They didn't want to see any further strikes on account of this incident.

The CHAIRMAN. Let's see now. If a man comes in and beats up somebody, which, according to the testimony so far was without provocation, do I understand there was the threat or the implication that a strike would take place if these charges were pursued?

Mr. KATZ. No, sir; not exactly. But we have—we did have in Nashville a lot of drivers that were very radical, and from time to time, if things didn't go exactly the way they wanted them to go, they might walk out for a period of 24 hours. When that happens in our business, it is bad.

The CHAIRMAN. In other words, you would rather persuade this man not to press charges, this fellow that got his face beaten up, his nose broken, and so forth, persuade him not to press charges to save yourself from labor trouble; is that it?

Mr. KATZ. No, sir.

The CHAIRMAN. What else does it add up to?

Mr. KATZ. Also, Frank Allen had discussed with me the fact that he and his wife were both mighty concerned about this things, and I think his wife was very nervous.

The CHAIRMAN. Concerned how? Concerned that there would be more violence?

Mr. KATZ. Yes, sir.

The CHAIRMAN. In other words, there was apprehension that, if you pressed the charges, the next time it would be worse; is that it?

Mr. KATZ. That is the impression I got, sir.

(At this point Senator Curtis left the hearing room.)

Mr. KENNEDY. You talked to Mr. San Soucie. Did you talk to any other union officials?

Mr. KATZ. At a later date I was in Chicago having lunch at a hotel. We were up there on some grievance meetings. Mr. Hoffa came in and

sat down, and the subject came up. If I remember correctly, Mr. Hoffa said that he would like to see the thing dropped.

Mr. KENNEDY. Was there any other conversation that you had with any other one? You had this conversation with Mr. Hoffa and Mr. San Soucie. Did you have conversations with any other teamster officials?

Mr. KATZ. I don't remember anyone else.

Mr. KENNEDY. Did any representative of yours talk to Mr. Dusty Miller?

Mr. KATZ. Yes; there was. At the time this happened, I think it was the same afternoon or the next afternoon, our labor-relations man was in Nashville—was stationed there, in fact—and I insisted that he get hold of Mr. Miller and tell Mr. Miller that we didn't want Mr. Smith to come around our barn any further.

(At this point Senator Ives left the hearing room.)

Mr. KENNEDY. What did Mr. Miller say about that?

Mr. KATZ. He was quite disturbed about it. From the information I got later through the grapevine, Mr. Miller got hold of the president of the local in Nashville and told him to keep Mr. Smith away from our terminal.

Mr. KENNEDY. Was any disciplinary action taken against Mr. Smith?

Mr. KATZ. I don't know that.

Mr. KENNEDY. Did you check to find out if they did anything about Mr. Smith?

Mr. KATZ. No, sir.

Mr. KENNEDY. Even though your employee had been brutally beaten, you didn't check to see if anything at all would happen to Mr. Smith?

Mr. KATZ. No, sir; I didn't.

Mr. KENNEDY. Was there any discussion with Mr. Hoffa as to your employee and his rights under the matter?

Mr. KATZ. Would you give me that again, please?

Mr. KENNEDY. Was there any discussion with Mr. Hoffa in Chicago as to the rights of your employee, Mr. Allen, in the matter?

Mr. KATZ. Yes. I told Mr. Hoffa that I was pretty aggravated about a business agent taking something like this in his hands and beating up one of my people. I told him, as far as I was concerned, it was absolutely uncalled for. Mr. Hoffa agreed with me and said, "Well, you know how boys are sometimes. They will get into a hot-headed discussion." In our particular business, it does happen not necessarily between union and company, but many, many times you will have drivers get into it the same way.

Mr. KENNEDY. Did you find out from Mr. Hoffa whether he, as the head of Mr. Dusty Miller, whether he was going to take any action against Mr. W. A. Smith?

Mr. KATZ. No; I didn't.

Mr. KENNEDY. Was anybody in your company or in the teamsters concerned at all regarding what action should be taken against W. A. Smith for inflicting this beating on this man?

Mr. KATZ. I was aggravated about it. I didn't pursue it any further.

Mr. KENNEDY. You were aggravated, but that is about as far as it went?

Mr. KATZ. That is right.

Mr. KENNEDY. You were concerned whether you were going to have any labor difficulties, as your company had had labor difficulties prior to the time you became president; is that right—and for that reason you suggested that your employee withdraw these charges?

Mr. KATZ. I don't know if I will go along with that, Mr. Kennedy.

Mr. KENNEDY. You explain it.

Mr. KATZ. We weren't threatened in any way. At least, I wasn't.

Mr. KENNEDY. You might not have been threatened, but you had conversations with Mr. San Soucie, who is one of Mr. Hoffa's right-hand men, and you had a conversation with Mr. Hoffa, and then you decided that you would ask your employee to withdraw these charges. So, you must have been concerned or upset about something, Mr. Katz.

Mr. KATZ. Well, I was upset when the thing first happened, and then, as months went by, naturally, you cool off and forget.

Mr. KENNEDY. You were concerned, also, about the trouble or difficulties that your company might have with the union, were you not?

Mr. KATZ. I don't think so.

Mr. KENNEDY. You said that earlier, Mr. Katz: the fact that your company had had trouble with the union prior to the time you became president.

Mr. KATZ. That is correct; lots of it.

Mr. KENNEDY. And you associated that with the conversation you had with Mr. San Soucie. You wanted to keep a peaceful relationship with the union.

Mr. KATZ. That is right.

Mr. KENNEDY. And you were willing at that time to have, certainly, the rights of your employees sacrificed to insure the fact that you would have peaceful relationships with the union; were you not?

Mr. KATZ. Yes, sir.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions?

Senator McNAMARA. Yes, Mr. Chairman. In the changing of your mind, when you suggested that Mr. Allen drop the charges, were you intimidated at all by anybody?

Mr. KATZ. None whatsoever, sir.

Senator McNAMARA. They just requested that you take the action, and you went along without any threats or intimidation or anything else?

Mr. KATZ. That is right, sir.

Senator McNAMARA. That is all. I thought you said you were apprehensive about further trouble?

Mr. KATZ. Sir?

The CHAIRMAN. Didn't you say you were apprehensive about further trouble if the charges were pressed, or did you?

Mr. KATZ. No, sir; I wasn't concerned about having further trouble on account of that.

The CHAIRMAN. All right.

Mr. KENNEDY. Would you read back the last answer he made to my question, please?

The CHAIRMAN. I think you said that, and I think you also added to it. In the course of examining you, you added to it that Mr. Allen and his wife were disturbed and they were apprehensive also that the situation would be worse next time.

Mr. KATZ. Yes; but I wasn't acquainted with the situation that actually existed up there, and how bad it was, on all of these accounts that occurred at Nashville. They were, and I wasn't.

The CHAIRMAN. I understand.

Mr. KENNEDY. I would like to have the reporter read back the last answer to the last question I asked him.

The reporter read from his notes as follows:

Mr. KENNEDY. And you were willing at that time to have, certainly, the rights of your employees sacrificed to insure the fact that you would have peaceful relationships with the union, were you not?

Mr. KATZ. Yes, sir.

The CHAIRMAN. That is all. Call the next witness.

Mr. KENNEDY. Mr. and Mrs. Robert Whitley. This is a different matter, Mr. Chairman.

The CHAIRMAN. You will both be sworn, please. You do solemnly swear that the testimony you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WHITLEY. Yes, sir.

Mrs. WHITLEY. Yes, sir.

TESTIMONY OF ROBERT V. WHITLEY AND JOSEPHINE WHITLEY

The CHAIRMAN. Each state your name, your place of residence, and your business or occupation.

Mr. WHITLEY. Robert V. Whitley, Jr., 191 Thompson Lane, Nashville, Tenn. I own and operate the Woodbine Radio Cab.

The CHAIRMAN. Own and operate what?

Mr. WHITLEY. Woodbine Radio Taxicab Co.

Mrs. WHITLEY. Mrs. Robert Whitley. I work with my husband in operating the Woodbine Radio Cab Co.

The CHAIRMAN. Thank you very much. Do each of you waive counsel?

Mr. WHITLEY. Yes, sir.

Mrs. WHITLEY. Yes, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. You had, in October 1954, approximately 10 cabs; did you?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. You operate in Nashville, Tenn.?

Mr. WHITLEY. That is right.

Mr. KENNEDY. And the teamsters came and attempted to organize?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. Did you refuse to sign a contract at that time?

Mr. WHITLEY. They came out one afternoon to talk the situation over with me. It was kind of late, and I told him I was kind of busy. I seemed not to be disagreeable with them. I told them I would talk it over with them the next morning, and we would meet the next morning.

Mr. KENNEDY. You would do what?

Mr. WHITLEY. Meet and talk the situation over the next morning.

Mr. KENNEDY. Did you meet?

Mr. WHITLEY. Yes; we met the next day. We set a time there, but they wasn't there at the time they specified they would be.

Mr. KENNEDY. So as I understand it, you first operated in Nashville; is that right?

Mr. WHITLEY. That is right.

Mr. KENNEDY. Did you move out of Nashville into Shelbyville?

Mr. WHITLEY. Well, that night I moved the taxicabs out of Nashville.

Mr. KENNEDY. You moved them out?

Mr. WHITLEY. I moved the cabs away from the cab office.

Mr. KENNEDY. At the time you were approached by the teamsters?

Mr. WHITLEY. No; that was after. We were in operation when I was approached by the teamsters.

Mr. KENNEDY. It was after that?

Mr. WHITLEY. Yes.

Mr. KENNEDY. Was it during the discussion of the time the teamsters first approached you?

Mr. WHITLEY. They approached me that afternoon, and that night I moved the cabs out of Nashville into Shelbyville, before the meeting the next morning.

Mr. KENNEDY. For what reason did you do that?

Mr. WHITLEY. Well, from the reputation that I have heard that they have had, I was afraid they would tear up the equipment, and so I thought it best that I would take them away from the place of business to keep them from being tore up.

Mr. KENNEDY. Did anything happen to your place of business after you moved out?

Mr. WHITLEY. Well, not right then. It was approximately 10 days after that. They walked pickets there for 10 days or 2 weeks, and I was closed. I shut down. So one Sunday morning I had a call from the fellow who runs a service station across from me, telling me I had better come down there, that my office was wrecked.

Mr. KENNEDY. You reported that to the county sheriff's office?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. Were you ever interviewed further on the matter?

Mr. WHITLEY. Yes; they came out, and as a matter of fact, I went up there to the sheriff's office and told them the situation, and as a matter of fact, I even offered a reward for the arrest and conviction of anyone found guilty.

Mr. KENNEDY. Did you ever find the responsible party?

Mr. WHITLEY. No, sir.

Mr. KENNEDY. So you moved out to Shelbyville, or you operated your cabs out in Shelbyville?

Mr. WHITLEY. I did not operate the cabs out there. I just had them stored there.

Mr. KENNEDY. And you continued to operate?

Mr. WHITLEY. No, sir; I did not.

Mr. KENNEDY. You stopped operating altogether?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. You stopped operating altogether because of the reputation that the teamsters had?

Mr. WHITLEY. Yes, sir; and I wanted to figure out myself what the best move was to do, to take into consideration what I ought to do, and what should be done.

Mr. KENNEDY. So you closed down your business altogether?

Mr. WHITLEY. I closed down my business altogether.

Mr. KENNEDY. How long did that last?

Mr. WHITLEY. Two weeks.

Mr. KENNEDY. Then did you decide to open up again?

Mr. WHITLEY. I decided to open up again.

Mr. KENNEDY. For what reason?

Mr. WHITLEY. Well, I had some sort of an oral contract with the Davidson Board of Education hauling handicapped children to school, and I had 73 handicapped children. During the time I was shut down, they did not go to school.

Mr. KENNEDY. Because there was nobody to take them to school other than yourself?

Mr. WHITLEY. That is right.

Mr. KENNEDY. So did they request that you open up again?

Mr. WHITLEY. The mothers and parents of the children kind of encouraged me to go back into the business, and so I told the drivers and I contacted some of the drivers and they told me they talked it over with the union officials, and see what they could do. So during the time I got together with the union official, and the city taxicab inspector, who came to my home.

Mr. KENNEDY. Who was the city taxi inspector?

Mr. WHITLEY. Frank Reed was his name.

Mr. KENNEDY. Frank Reed?

Mr. WHITLEY. Yes.

Mr. KENNEDY. That is R-e-e-d?

Mr. WHITLEY. Yes, sir; that is right. He came to my home, and they told me well, I had best sign up with the union if I wanted to operate, and he did not want to see anybody get hurt, and it would be best for those concerned.

Mr. KENNEDY. The city cab inspector came to your home and suggested that you sign up with the union; is that right?

Mr. WHITLEY. With the business agent.

Mr. KENNEDY. He came with the business agent?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. Was he in the teamsters union?

Mr. WHITLEY. Yes, sir; he is a member of the teamsters union.

Mr. KENNEDY. The city cab inspector was actually a member of the teamsters union himself?

Mr. WHITLEY. Yes, sir; and he still is.

Mr. KENNEDY. He still is a member of the teamsters union?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. Yet he worked for the city and held the position of city cab inspector?

Mr. WHITLEY. That is right.

Mr. KENNEDY. And he told you or he came out to your home and suggested you join the teamsters union if you wanted to avoid violence?

Mr. WHITLEY. That is right.

Mr. KENNEDY. And difficulties?

Mr. WHITLEY. If I wanted to operate.

Mr. KENNEDY. So you signed a union contract with the teamsters.

Mr. WHITLEY. I signed a union contract with the teamsters, and started operating again, and I got the cabs back from Shelbyville.

Mr. KENNEDY. Did you have any problems or difficulties with the teamsters then?

Mr. WHITLEY. Well, for a 2-week period that I operated, while the drivers were there, they were members of the teamsters union, and I had nothing but trouble, and I just could not control them no way at all, and they would do anything and they always had some sort of order or request whenever I asked them to do something.

Mr. KENNEDY. Prior to this time, before you were in the union, how did your wage scale compare to the union wage scale?

Mr. WHITLEY. Right along the same.

Mr. KENNEDY. About the same?

Mr. WHITLEY. They were on a percentage basis, and they did not have any guaranteed salary, and at that time their percentage was running away over the amount of what the union drivers were making. As a matter of fact, during the contract that I had for hauling children, they were making more than the union cab company was making.

Mr. KENNEDY. Actually they were making more?

Mr. WHITLEY. Yes; during the time that they worked.

Mr. KENNEDY. You had some difficulty with certain of the drivers that the teamsters provided you?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. After you signed up with them?

Mr. WHITLEY. Yes.

Mr. KENNEDY. Just tell us briefly what the problems were and the difficulties.

Mr. WHITLEY. Well, we have certain points in Nashville that I operate just outside the city of Nashville, in the suburbs, and we have certain points in Nashville where the passengers more or less call from, and we sort of have a zone period. So I told some of the drivers to hold it there at a certain point. Maybe it would be a couple of hours from the office there to give these people the service, and have a cab sitting around on the corner, and I would send them out there, and the next thing I would know they would be walking into the office. So I asked them, and I said, "I thought I told you to hold it up on a certain corner," on these points, which was 2 or 3 miles from the office. They said they did not want to do it and they wanted to come to the office, there was nothing going on down there, and they wanted to be where everybody was.

Mr. KENNEDY. You had that problem, and did you also have a problem of gambling and drinking on the job?

Mr. WHITLEY. Yes; when I would leave the office maybe to go eat, I would come back and they would be playing cards and playing poker. I requested them 2 or 3 times to stop and so one afternoon I went in and I told them, "I have asked you 2 or 3 times and I have asked you 4 times, and the next time I come in and catch you gambling, I am going to fire the lot of you." So they said, "Well, it is 4 of us and 1 of you. You prove it."

The CHAIRMAN. What is that?

Mr. WHITLEY. There were 4 of them and 1 of me, for me to prove it, that they were gambling.

Mr. KENNEDY. These were your employees; is that right?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. So they were disobeying orders, and they were gambling. And then did you catch some of these same people, this group, and were they drinking also?

Mr. WHITLEY. Yes, sir; they would go down and some of the instigators would go down to the joint at night and call me on the phone, and drinking and carrying on, and I could hear the telephone what was going on.

Mr. KENNEDY. What would they say to you on the telephone?

Mr. WHITLEY. They would curse me out, and tell me I didn't know anything about operating a cab business, and why didn't I get out and let them have it.

Mr. KENNEDY. So you decided to fire them?

Mr. WHITLEY. Yes, sir.

The CHAIRMAN. They were trying to run you out of business and take over your business?

Mr. WHITLEY. Yes, sir.

The CHAIRMAN. That was after you had signed a union contract?

Mr. WHITLEY. Yes, sir; they told me to get out and let them run the cab company there.

The CHAIRMAN. You were trying to get along with them, and you signed a contract under coercion, and threats, and you could not operate it unless you did sign it?

Mr. WHITLEY. That is right.

The CHAIRMAN. Then when you got them in there, they wanted to take charge?

Mr. WHITLEY. That is right. They would drive out there in the car and drink beer in front of the office and throw their cans and bottles on the sidewalk there, on the company premises.

The CHAIRMAN. Just to show you that they could do it and get by with it, is that right?

Mr. WHITLEY. One of them, the instigator was the head, he was the main leader of the bunch, and I fired him. The next morning he came to work so he went to the union hall, and he got the business agent, and he came out to my place and asked me why I fired him, and I said for interfering with the company management. So he laughed about it and he said, well, that wasn't any reason to fire the man, and he was a good union member, and I would have to put him back to work. So I told him I could not see it. So he said, "Well, we will just walk out on strike again."

Mr. KENNEDY. He wanted you to put him back to work and pay him the day's salary that he missed, and you refused to do that?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. So they said they are going to walk out.

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. And they walked out and established a picket line?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. Then a few days passed and did you give them over the weekend to come back to work or otherwise you told them you were going to get some new drivers?

Mr. WHITLEY. That happened on Thursday. On Saturday I told them, "Well, all of you have a job here, but this one particular fellow."

So I said, "I will give you until Monday to come back on the job or I will hire a whole new crew." So they didn't come back on Monday, and that is what I did.

Mr. KENNEDY. You hired a brandnew crew?

Mr. WHITLEY. That is right.

Mr. KENNEDY. Did you have any acts of violence follow when you put on these new drivers?

Mr. WHITLEY. Yes, sir, some of the drivers were threatened, and I was threatened, and they told me that it was dangerous for me to be on the streets, and it was going to get dark after a while. They went up behind the cars when we were hauling passengers and they put on brakes and tried to scare the people from riding.

Mr. KENNEDY. They would come up and bump your cabs in other cars, is that right?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. They would go in front of your cars and then stop their car suddenly to scare the passengers?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. They threw a brick through the window of your cab on one occasion?

Mr. WHITLEY. They throwed a brick at the cab and hit the fender of the cab.

Mr. KENNEDY. Did they break any of the windshields of your cabs?

Mr. WHITLEY. While the cabs were there at night, I had them parked in front of the office, where I could kind of watch them and see what happened to them.

Mr. KENNEDY. Was there anybody in the cabs, or did any of the city officials know what they were doing in the harrassment of your cabs?

Mr. WHITLEY. Yes. Whenever anything happened, we would call the police, and of course they would come and talk to the driver.

Mr. KENNEDY. What about Mr. Reed? Did you ever bring this to the attention of Mr. Reed?

Mr. WHITLEY. Yes; and, as a matter of fact, Mr. Reed was riding around with the union officials.

Mr. KENNEDY. He was riding around with the union officials at the time this was going on?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. He is the city cab inspector?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. He was riding around while these union officials were harrassing your cab, is that right?

Mr. WHITLEY. That is right.

Senator McNAMARA. At that point, can you tell me how this city cab inspector got his job? Was it by competitive examination or was he appointed by the chief officer or what?

Mr. WHITLEY. I don't know how he got the job? The way I understand it, it is an appointed job.

Senator McNAMARA. Was he formerly a policeman, or a member of the force?

Mr. WHITLEY. No, he was a Yellow Cab driver, which was a union company.

Senator McNAMARA. They took him off the cabs and made him the inspector?

Mr. WHITLEY. Made him the inspector, yes.

Senator McNAMARA. You think by appointment and not by competitive examination.

Mr. WHITLEY. That is right.

Senator McNAMARA. That is all.

Mr. WHITLEY. His next-door neighbor where he lives is Don Vestal.

Senator CURTIS. These union cabdrivers that you had trouble with, after you signed up with the union, were they the same drivers that worked for you before you were unionized?

Mr. WHITLEY. Yes, sir.

Senator CURTIS. The same individuals?

Mr. WHITLEY. Yes, sir.

Senator CURTIS. You had no trouble with them before they belonged to the union?

Mr. WHITLEY. No, sir, no trouble at all. As a matter of fact about half of them did not want to join anyway.

Senator CURTIS. Well, was someone promoting them to have trouble with them?

Mr. WHITLEY. I had one driver there who was instigating and they wanted me to put him back and after the representatives from the union came to talk to me they said if I didn't I would have trouble.

Senator CURTIS. How do you explain their change in conduct? You got along with them before they were in the union and they were troublemakers afterward.

Mr. WHITLEY. Well, there was one that was instigating the deal, and he had a couple of buddies there that teamed along with him and they wanted to cause trouble, although I never had any trouble with them before. But they were drinking and they would go down to the place and get drinking together and that is when they got smart-alecky.

Senator CURTIS. And one of the reasons you went back into business was to take care of these seventy-some crippled children?

Mr. WHITLEY. 73 children, handicapped children, yes.

Senator CURTIS. You hauled them from their homes to school?

Mr. WHITLEY. Yes, and as a matter of fact there were several palsied pupils, and sightless children and deaf children, and you had to go to the door and pick them up and with some of them carry them into cabs and carry them into schools, and carry them back into the house in the evening.

Senator CURTIS. Are you in the taxicab business now?

Mr. WHITLEY. Yes, sir.

Senator CURTIS. Are you still taking care of the crippled children?

Mr. WHITLEY. No, sir.

Mr. KENNEDY. Now, were any of your drivers shot at?

Mr. WHITNEY. Yes, during the strike there, one of the drivers picked up a fellow in the city and was driving him toward the yards, the railroad yards in Nashville, south of Nashville, and as he passed the fairgrounds there, a bullet hit the windshield of the cab.

Mr. KENNEDY. Hit the windshield of what?

Mr. WHITLEY. Of the cab, of the taxicab.

Mr. KENNEDY. Was anybody hit by the glass?

Mr. WHITLEY. The glass fell down and cut the passenger's hand where he sat on the front side with the driver.

Mr. KENNEDY. Did you find your cabs were having difficulty getting passengers when some of these things were going on?

Mr. WHITLEY. Well, this fellow here, I heard the cab stop by the office and so I apologized for the incident and I said, "Well, we are going to try to keep on operating and we appreciate the business." "Well," he said, "As long as you boys have got guts enough to drive them, I have got guts enough to ride in them."

Mr. KENNEDY. Were any of your drivers beaten?

Mr. WHITLEY. Yes, I had a driver that was beaten with a motorcycle chain.

Mr. KENNEDY. Did you report these incidents to the police?

Mr. WHITLEY. Yes, sir, all of the instances that happened. Of course, outside the city there, I reported them to the sheriff.

Mr. KENNEDY. And did they come down and try to help you?

Mr. WHITLEY. They would come immediately to begin with, for the first week or two, when we called them, and sometimes it would be an hour or two before they would come.

Mr. KENNEDY. In the beginning they were coming very quickly, but later they began to come later or be more tardy on arrival, is that right?

Mr. WHITLEY. That is right.

Mr. KENNEDY. An hour or two hours later?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. After you reported the incident.

Mr. WHITLEY. I would have to call 4 or 5 times.

Mr. KENNEDY. Did they say anything after you made these requests for them to come down?

Mr. WHITLEY. Well, they would come there and they would look the situation over and, of course, by the time they got there everything was quieting down and the pickets and the group that gathered there were quiet.

When people walked up to the office for a taxicab from the busline or would go down the street at night, there are no street lights out there at night and they didn't holler at the people like they had been.

Mr. KENNEDY. Did any one of the police officers say anything to you about what their attitude was toward this matter?

Mr. WHITLEY. Well, there was one there that came there to the office. He asked me why didn't I go ahead and shut down and quit bothering him.

Mr. KENNEDY. Why didn't you go and shut down and quit bothering them? That was a representative of the police department?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. That was a corporal, was it? What was his position?

Mr. WHITLEY. I am not sure. A corporal or sergeant, one or the other. I don't know what his rank was at the time.

Mr. KENNEDY. Did you know his name at the time?

Mr. WHITLEY. I asked one later and I didn't know his name but I asked one later what his name was and he told me that the patrolman there or sergeant was named Dave White.

Mr. KENNEDY. Did you ever bring any specific charges against any of the union pickets or union officials?

Mr. WHITLEY. Yes; some of the pickets I did, when they would harass some of the drivers and throw bricks at them and things like that.

Mr. KENNEDY. You brought charges against them?

Mr. WHITLEY. Yes, sir; and so I told them I would stand behind them.

Mr. KENNEDY. Did you pursue that or did you follow up the charges?

Mr. WHITLEY. Well, no. By the time it was to come up in court, I had an attorney who was a friend of mine, who was acting on my behalf and not full representation, but I was getting a little guidance from him, and so he was supposed to represent me during the time.

Mr. KENNEDY. During this period of time, when you brought the charges against these union personnel, did they bring some charges against you or your wife?

Mr. WHITLEY. They brought charges against my wife.

Mr. KENNEDY. Would you tell that, Mrs. Whitley, what happened there?

Mrs. WHITLEY. One of the drivers had me arrested for what I think it was a warrant signed by—

Mr. KENNEDY. Would you start over again?

Mrs. WHITLEY. One of the union pickets that had been elected union steward had me arrested on a warrant for assault.

Mr. KENNEDY. For assault?

Mrs. WHITLEY. Yes, sir; and I don't remember just what the warrant or the exact charge was.

Mr. KENNEDY. Was it in connection with carrying a gun?

Mrs. WHITLEY. Well, it was assault with intent, I believe.

The CHAIRMAN. Assault with intent to kill?

Mrs. WHITLEY. Actually, I don't know what it was, and I know they came out and arrested me.

Mr. KENNEDY. The police came out and arrested you?

Mrs. WHITLEY. Yes, sir.

Mr. KENNEDY. Did you ever have a gun?

Mrs. WHITLEY. No, sir.

Mr. KENNEDY. Did you ever assault a cabdriver?

Mrs. WHITLEY. No, sir.

Mr. KENNEDY. You never pointed a gun at them?

Mrs. WHITLEY. No.

Mr. KENNEDY. You never hit a cabdriver?

Mrs. WHITLEY. No, sir.

Senator CURTIS. What happened to the charges? Were you fined or found guilty?

Mrs. WHITLEY. When they carried me up to the jail, our attorney that Mr. Whitley mentioned—we called our attorney and I was paroled to him and later he told me that the charges would be dropped against me.

Mr. KENNEDY. Did you understand from anybody that you in your turn, or your husband on his turn, his side would have to perform any act?

Mrs. WHITLEY. Word got to us that the reason I was arrested was so that we would drop the charges against these pickets that we had had arrested.

Mr. KENNEDY. If you would drop the charges against the pickets that were arrested, they in turn would drop the charges against you?

Mrs. WHITLEY. Yes, sir.

Mr. KENNEDY. Was that arranged and done?

Mrs. WHITLEY. Yes, sir; it was understood through one of the girl friends and also through our attorney that they would definitely be dropped.

Mr. KENNEDY. So the charges were dropped on both sides?

Mrs. WHITLEY. Yes, sir.

Mr. KENNEDY. But the charge against you regarding this assault was completely untrue?

Mrs. WHITLEY. It was untrue but they had talked to my husband and told him that they would make up a case and get plenty of witnesses to frame me.

Mr. KENNEDY. Did somebody tell you that?

Mr. WHITLEY. They told Mrs. Whitley that they could make a case out of it.

Mr. KENNEDY. Who told you that, Mr. Whitley?

Mr. WHITLEY. I believe it was Red Vaughn, the organizer at the time there that this was going on. I told him I don't believe they would make it stick because the drivers out here are prejudiced against myself and my wife. And he said, "Well, we have got plenty of witnesses over at the union hall that will stand behind us and we will make it stick."

Mr. KENNEDY. He said he could come up with plenty of witnesses to make the charge stick against your wife?

Mr. WHITLEY. Yes. He said he had plenty of witnesses over there at the union hall. He kept repeating it and said we will have our day in court. Our day will come when we go to court.

Mr. KENNEDY. You are still operating?

Mr. WHITLEY. Yes, sir.

Mr. KENNEDY. Did you bring those drivers back or how was the dispute resolved?

Mr. WHITLEY. I never hired any of those drivers again.

Mr. KENNEDY. Did they continue the picket line?

Mr. WHITLEY. They continued to picket for about 6 or 8 months and during the time, well, they saw I was going to beat them at the game and they kept telling me that Frank Reed, the taxicab inspector, was going to take care of me and they would see he put me out of business.

Mr. KENNEDY. Did you have some trouble with the taxicab inspector?

Mr. WHITLEY. I believe it was last summer or last summer a year ago, Frank Reed has been harassing me all of the time and harassing the drivers, and finally word got around through this and that to the mayor that I am operating and under an injunction my city license to operate the streets of Nashville had been revoked.

Mr. KENNEDY. You were parking in the wrong place, is that right, your cabs were?

Mr. WHITLEY. That is what they said.

Mr. KENNEDY. Was that finally settled?

Mr. WHITLEY. No; it has never been settled, and I don't know what the outcome will be. As a matter of fact, I just think that it has quieted down and I don't know why, but I haven't heard any more about it.

It is not even slated to come up in court or anything, and what they have done with the case, I don't know, but we don't have any license but we still are operating on the city streets.

Mr. KENNEDY. They do not press that at all, and they have not pressed it against you?

Mr. WHITLEY. They don't press it any more.

Mr. KENNEDY. Do you have any explanation for that?

Mr. WHITLEY. No; I surely do not.

Mr. KENNEDY. When did they stop being interested in the matter?

Mr. WHITLEY. Well, after my license was revoked, as a matter of fact, everything was quieted down and they talked to the drivers a couple of times and tried to get one of the drivers just for about nothing, and that is all I ever heard from it, and what else could they do? They already have put me out of business but I am still operating.

Mr. KENNEDY. Did you know if Mr. Reed kept his seniority during this period of time in the teamsters union?

Mr. WHITLEY. Here a while back, while they had depositions taken on this case, he made the statement that he noticed in the past few months that his seniority with the Yellow Cab Co., his name, had been taken off the seniority list, and why, I don't know.

Mr. KENNEDY. But he is still a member of the teamsters?

Mr. WHITLEY. He is still a member of the teamsters.

Senator McNAMARA. How many cabs do you operate now?

Mr. WHITLEY. Well, I operate 6 cabs now and as a matter of fact, during this time here, I had to cut my fleet due to business and so they revoked some more of my licenses, 3 more of the licenses. They revoked them all, and then three more and why, I don't know.

Senator McNAMARA. What licenses are you talking about?

Mr. WHITLEY. The city license.

Senator McNAMARA. Is this a public-vehicle license?

Mr. WHITLEY. A permit.

Senator McNAMARA. A public-vehicle permit?

Mr. WHITLEY. To operate on the city streets; yes.

Senator McNAMARA. A public-vehicle permit, and you have to get that from the city hall?

Mr. WHITLEY. Yes, sir.

Senator McNAMARA. When you were having all of this trouble, how many cabs did you have?

Mr. WHITLEY. Ten.

Senator McNAMARA. Thank you.

Mr. KENNEDY. Have you been threatened at all regarding your testimony?

Mr. WHITLEY. Well, I was told to watch what I said here, that everybody who testified here against them would be taken care of sooner or later.

Mr. KENNEDY. Who told you that?

Mr. WHITLEY. A fellow just taking a cab and he got in the cab the other night.

Mr. KENNEDY. The other night?

Mr. WHITLEY. Yes, sir, and it was Saturday and he said, "You take me around the block," and he sat in the back seat and I was in the Christmas traffic and I didn't look at him.

Mr. KENNEDY. What did he say to you again?

Mr. WHITLEY. He said that everybody that testified up here against them would be taken care of sooner or later.

Mr. KENNEDY. And you were told that regarding your testimony?

Mr. WHITLEY. Yes, sir; that I should be careful.

Mr. KENNEDY. What did he say?

Mr. WHITLEY. That is exactly what he said.

Mr. KENNEDY. That everybody would be taken care of sooner or later?

Mr. WHITLEY. That is right.

The CHAIRMAN. Where did that conversation take place?

Mr. WHITLEY. Downtown.

The CHAIRMAN. Downtown in Nashville?

Mr. WHITLEY. In Nashville; yes.

The CHAIRMAN. Do you know who it was?

Mr. WHITLEY. I never saw the man before and, as a matter of fact, it was dark and I was watching the traffic and so I said, "Thank you."

The CHAIRMAN. You were in a cab?

Mr. WHITLEY. Yes, sir. During the rush periods of time I drive some; very, very little.

The CHAIRMAN. You were driving the cab?

Mr. WHITLEY. Yes, sir.

The CHAIRMAN. And you picked up this passenger?

Mr. WHITLEY. Yes, sir. I had stopped there and he got in the back seat and I drove around. He said "Take me around the block." That is what he said.

The CHAIRMAN. He got in your cab and had you take him just around the block?

Mr. WHITLEY. Yes, sir; just around the block.

The CHAIRMAN. And he gave you that warning in the course of the drive around the block?

Mr. WHITLEY. Yes, sir.

The CHAIRMAN. Are you kind of frightened about it?

Mr. WHITLEY. No, sir.

The CHAIRMAN. You couldn't give us his name; could you?

Mr. WHITLEY. No, sir; I never saw the man before.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. No, sir.

The CHAIRMAN. Senator Curtis, have you any questions?

Senator CURTIS. No, Mr. Chairman.

The CHAIRMAN. Thank you very much. You may stand aside.

At this point the Chair will place in the record 2 affidavits, 1 from Paul W. Dinkins, and another from Belle Johnson. These relate to the trouble that has been had. I don't think there is a need to read them. They may be printed in the record at this point.

(The affidavit of Belle Johnson follows:)

AFFIDAVIT

I, Belle Johnson, who reside at 1018 Eighth Avenue S., Nashville, Tenn., freely and voluntarily make the following statement to Lavern J. Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor-Management Field. No threat, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee.

During the year 1955 I was working as an employee at Mike's Tap Room, located at Fourth Avenue S., in Nashville, Tenn. On or about January 8, 1955, in the early evening a party unknown to me called a taxi from Mike's Tap Room. Shortly after the cab arrived, I was attracted to the front of the building by someone swearing and cursing. I looked out the door; I saw W. A. Smith, of the teamsters union, standing by a taxicab, cursing the driver and attempting to jerk open the cab door to get at the driver. Suddenly the driver drove the cab away. W. A. Smith, known as Smitty to me, came into the bar and purchased a bottle of Coca-Cola and took it outside with him. Shortly thereafter, I heard a noise from the front of the building and someone yelled out, "Smith broke the window of the cab." I made the comment, "I hope no one is hurt." I again looked out the door and Smith was standing on the sidewalk near the curb. The taxicab was by this time some distance up the street. Smith then came back into Mike's Tap Room and I said, "You should not have cursed the driver and broke the window." He answered, "That is what he gets for being a scab driver, and that is what I get for calling a scab driver."

I have read the foregoing statement, and to the best of my knowledge it is true and correct.

(s) BELLE JOHNSON.

Witnesses:

LAVERN J. DUFFY.

JAMES R. MCSHANE.

Sworn to and subscribed before me this 3d day of July 1957.

[SEAL]

(s) NETTIE F. KINSEY, *Notary Public*.

My commission expires November 27, 1960.

(The affidavit of Paul W. Dinkins follows:)

AFFIDAVIT

I, Paul W. Dinkins, who resides at 2700 Hartford Drive, Nashville, Tenn., and currently employed at the Tennessee Tufting Co., in Nashville, Tenn., freely and voluntarily make the following statement to Lavern J. Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor-Management Field. No threat, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee.

During the year 1955, I was working as a driver for the Woodbine Cab Co., in Nashville, Tenn. On or about January 8, 1955, in the early evening I answered a call from Mike's Tap Room, located at Fourth Avenue S., Nashville, Tenn. As I drove up in front of the taproom 2 or 3 men whom I had never seen before were standing on the curb. One of the men was cursing and trying to jerk open the door of the cab. When this happened, I pulled away from the curb, drove up the street a short distance and then backed up, hoping still to find a customer. As I remained in the middle of the street, I saw one of the men throw a Coke bottle at my cab which broke my window. As the man drew back to throw the bottle, I detected a hearing aid in his left front shirt pocket. After this happened, I quickly drove away.

I have examined a picture of W. A. Smith, of the teamsters union, and after examining the picture closely I am reasonably sure he was the man who threw the Coke bottle and broke the window of my cab.

I have read the foregoing statement, and ot the best of my knowledge it is true and correct.

(Signed) PAUL DINKINS.

Witnesses :

LUCY C. TERRELL.

LaVERN J. DUFFY.

Sworn to and subscribed before me this 5th day of July 1957.

(Signed) NETTIE F. KINSEY, *Notary Public*.

My commission expires November 27, 1960.

The CHAIRMAN. Mr. Duffy, you have been previously sworn?

Mr. DUFFY. Yes, sir.

TESTIMONY OF LaVERN J. DUFFY—Resumed

The CHAIRMAN. Have you examined the minutes of a meeting of the executive board meeting of the Teamsters Union, Local 327, at Nashville, the minutes of their meeting of November 19, 1955?

Mr. DUFFY. Yes, sir.

The CHAIRMAN. You have a photostatic copy of those minutes; do you?

Mr. DUFFY. Yes, sir.

The CHAIRMAN. Is this the photostatic copy that you have of the minutes of the meeting of that local at that time?

Mr. DUFFY. It is, Mr. Chairman.

The CHAIRMAN. These minutes, the copy of the minutes may be made exhibit No. 17.

(The document referred to was marked "Exhibit No. 17" for reference and may be found in the files of the select committee.)

The CHAIRMAN. I will read from the minutes of that meeting:

Harold Dies made the motion to give Frank Reed \$250 for a Christmas present, who is city cab inspector, and also \$50 for Dawson, who is the colored cab inspector, who have both helped labor in Nashville. Seconded by Bill Richardson. Carried 100 percent.

Mr. KENNEDY. Mr. Earl Dickey, Mr. Chairman.

The CHAIRMAN. Come forward, Mr. Dickey.

You do solemnly swear talit the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DICICCO. I do.

TESTIMONY OF EARL P. DICICCO

The CHAIRMAN. State your name, your place of residence and your business or occupation.

Mr. DICICCO. Earl P. Dickey, 124 High Street, Foxboro, with the General Tire Co.

The CHAIRMAN. Where do you live?

Mr. DICICCO. Foxboro, Mass.

The CHAIRMAN. You are with whom?

Mr. DICICCO. The General Tire Co.

The CHAIRMAN. What is your position with them?

Mr. DICICCO. Manager of their service station.

The CHAIRMAN. Manager of their filling station?

Mr. DICICCO. Yes, sir.

The CHAIRMAN. You waive the right of counsel, do you?

Mr. DICICCO. Yes, sir.

The CHAIRMAN. All right, Mr. Kennedy, you may proceed.

Mr. KENNEDY. Mr. Dicicco, you came from Natick, Mass., originally?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. And then you were in the Army?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. And married a girl from Nashville, Tenn.?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. So you went down there to work after you got out of the Army?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. And you were employed down there in the Whitley Cab Co.?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. During the time that the Whitley Cab Co. was on strike, you continued to drive?

Mr. DICICCO. Right, sir.

Mr. KENNEDY. Were there any acts of violence against you while you were driving the cab for the Whitley Cab Co.?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. Would you tell the committee what happened?

Mr. DICICCO. One night it was between 10 and 11 o'clock, at night, I picked up these two passengers at this beer room, and they said they wanted to go to this housing project.

The CHAIRMAN. This what?

Mr. DICICCO. This housing project.

I stopped the cab in front of the housing project to let them out. One of them hit me across the head with a motorcycle chain, and the other one had a beer bottle, bouncing that off my head.

Mr. KENNEDY. One of them hit you with a beer bottle and the other one hit you with a motorcycle chain?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. Wrapped it around your head?

Mr. DICICCO. Yes, sir; from the ear around to the mouth.

Mr. KENNEDY. Did it knock you out?

Mr. DICICCO. No, sir.

Mr. KENNEDY. What did you do? Did you hide in the bottom of the cab?

Mr. DICICCO. No, sir. I got out and went to open up the back door to jump on them. They jumped out of the cab.

Mr. KENNEDY. You got out of your cab and went in the back door to go after them?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. They jumped out of the other door?

Mr. DICICCO. They jumped out the other door, and one of them ran up the street. At this point there was a road bearing off to the right. One of them ran straight and one ran up the road going to the right and jumped in this automobile. I took off after the automobile.

Mr. KENNEDY. You got back in your cab?

Mr. DICICCO. Yes, sir. I got back in my cab and drove the automobile around the corner to chase this automobile that picked up one

of the fellows. When he went around the further corner, there was a patrol car coming and he almost hit him, and the patrol car was turning around in the middle of the street to chase the vehicle, and I had to stop before I hit the patrol car and then he chased him for a little way. He lost him. Then they sent a patrol car and we searched the area but we couldn't find the other man.

Mr. KENNEDY. Did you recognize either one of your assailants?

Mr. DICICCO. No, sir.

Mr. KENNEDY. Did you recognize the car?

Mr. DICICCO. I recognized the automobile; yes, sir.

Mr. KENNEDY. You recognized the automobile?

Mr. DICICCO. Yes, sir.

Mr. KENNEDY. Whose automobile was it?

Mr. DICICCO. As far as I know, it belongs to Red Vaughn.

Mr. KENNEDY. What is his position?

Mr. DICICCO. Business representative, I believe it was, for the teamsters.

Mr. KENNEDY. He was the business agent for 327 of the teamsters?

Mr. DICICCO. Right.

Mr. KENNEDY. And the man that hit you got into that car and drove away?

Mr. DICICCO. That is right.

Mr. KENNEDY. Did you turn that information over to the police?

Mr. DICICCO. No, sir. They were already up there. I told them about it, but I don't know if they put it on their log or not.

Mr. KENNEDY. Did you tell them whose car it was?

Mr. DICICCO. No, sir.

Mr. KENNEDY. You told them what had happened to you?

Mr. DICICCO. Right, sir.

Mr. KENNEDY. Why didn't you tell them whose car it was when you recognized it?

Mr. DICICCO. Why didn't I? I was afraid there would be more trouble.

Mr. KENNEDY. You didn't want to get into any more difficulty?

Mr. DICICCO. No, sir.

Mr. KENNEDY. Can you explain that?

Mr. DICICCO. Yes, sir. I have a wife and children and I don't want to get involved in it no more than I had to.

Mr. KENNEDY. Had there been quite a bit of trouble and difficulties in Nashville, Tenn.?

Mr. DICICCO. Yes, sir. In the paper there had been some dynamiting of some equipment, and putting sugar in the gas tanks, and all that sort.

Mr. KENNEDY. And you didn't want to get involved?

Mr. DICICCO. I didn't want it no more.

The CHAIRMAN. How long did you continue to drive after that?

Mr. DICICCO. Well, I was out about a week and I went back and I drove about another month.

The CHAIRMAN. You were out about a week? Why?

Mr. DICICCO. I had to go to the doctor, sir. I had a head injury.

The CHAIRMAN. You had what?

Mr. DICICCO. A head injury.

The CHAIRMAN. A head injury?

Mr. DICICCO. Right.

The CHAIRMAN. What was that from, the chain or the bottle?

Mr. DICICCO. The chain, sir.

The CHAIRMAN. The chain?

Mr. DICICCO. Yes, sir.

The CHAIRMAN. Why were you pursuing the car if you did not intend to do anything about it?

Mr. DICICCO. At the time I would have, sir. If somebody beat you over the head with a chain, you would go after them.

The CHAIRMAN. I might go the other way.

Mr. DICICCO. Yes, sir; but afterward you might go the other way, after you cool down. But at the time I would go after them.

The CHAIRMAN. At the time you would go after them?

Mr. DICICCO. Right, sir.

The CHAIRMAN. And you went after them?

Mr. DICICCO. Yes, sir.

The CHAIRMAN. I can't understand, then, why if you knew who did it, or knew the car, you didn't turn it over to the officers to do something about it.

Mr. DICICCO. I don't think it would do much good down there, sir.

The CHAIRMAN. You thought it would be useless?

Mr. DICICCO. Yes, sir.

The CHAIRMAN. They don't enforce the law down there very much?

Mr. DICICCO. Yes, sir; they enforce the law but in my own opinion I don't think they enforce it enough.

The CHAIRMAN. They don't enforce it enough?

Mr. DICICCO. Yes, sir. Just to certain people.

The CHAIRMAN. What certain people do they not enforce it against?

Mr. DICICCO. The people they don't want to, sir.

The CHAIRMAN. Who are they?

Mr. DICICCO. Just the people they don't want——

The CHAIRMAN. I know.

Mr. DICICCO. Yes, sir.

The CHAIRMAN. You and I are both thinking the same thing. You saw it.

Mr. DICICCO. That is right, sir.

The CHAIRMAN. Are you afraid to tell?

Mr. DICICCO. It's healthier if you don't.

The CHAIRMAN. It is more healthy if you don't tell?

Mr. DICICCO. Yes, sir.

The CHAIRMAN. You don't want another beating, do you?

Mr. DICICCO. No, sir.

The CHAIRMAN. Do you live in Nashville now?

Mr. DICICCO. No, sir. I am from Massachusetts.

The CHAIRMAN. Do you think they could reach you up that far and get you?

Mr. DICICCO. They might, sir.

The CHAIRMAN. They might. In other words, you just don't want any more trouble?

Mr. DICICCO. Right, sir.

The CHAIRMAN. Are there any other questions?

If not, thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Kenneth Whitley.

The CHAIRMAN. Mr. Whitley?

You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WHITLEY. I do.

TESTIMONY OF KENNETH M. WHITLEY

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. WHITLEY. Kenneth M. Whitley, 1610 Martin Street. I work for the United States engineers in Nashville, Tenn.

The CHAIRMAN. You work for the United States engineers?

Mr. WHITLEY. Yes, sir.

The CHAIRMAN. You waive the right of counsel?

Mr. WHITLEY. I do.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. In December of 1954 you were a draftsman for the city planning commission in Nashville, Tenn.?

Mr. WHITLEY. That is right.

Mr. KENNEDY. And at that time your brother, as I understand it, the cab company was on strike or having difficulties; is that right?

Mr. WHITLEY. That is right.

Mr. KENNEDY. The earlier witness was your brother?

Mr. WHITLEY. That is right.

Mr. KENNEDY. At the end of 1954, December of 1954, you were out on the job for the city planning commission?

Mr. WHITLEY. That is right.

Mr. KENNEDY. At that time did you have some conversations with certain teamster officials?

Mr. WHITLEY. Well, I was taking pictures of the building next door to the teamsters building for the city, and Red Vaughn came running out of there.

Mr. KENNEDY. He is the business agent of local 327?

Mr. WHITLEY. He ran out of the door and wouldn't let me take the pictures.

Mr. KENNEDY. He wouldn't let you take the pictures?

Mr. WHITLEY. That is right. He thought I was taking pictures of the teamsters for my brother. I told him it had nothing to do with the Woodbine Cab Co. or with the teamsters; that I was there on official business from where I worked. He stood in front of me to try to keep me from taking pictures.

Perry Canaday ran out of the business a little after Red Vaughn, and he came over and asked Red Vaughn if I worked for Woodbine Cab Co. Vaughn told him "Yes. He is his brother." And Cannady hit me.

Mr. KENNEDY. He hit you?

Mr. WHITLEY. That is right.

Mr. KENNEDY. Where did he hit you?

Mr. WHITLEY. He hit me in the nose; in the face.

Mr. KENNEDY. Did it break your nose?

Mr. WHITLEY. It knocked it out of place. It stayed out of place for about 5 days. It was the cartilage in my nose.

Mr. KENNEDY. Did he hit you a number of times?

Mr. WHITLEY. No; just one time. After that he ran back into the building.

Mr. KENNEDY. Were there a number of witnesses?

Mr. WHITLEY. The boss was across the street.

Mr. KENNEDY. Your boss?

Mr. WHITLEY. Yes.

Mr. KENNEDY. What was his name?

Mr. WHITLEY. Jimmy Sharp and Bob House. He also worked at the office.

Mr. KENNEDY. What was the other man's name?

Mr. WHITLEY. Bob House.

Mr. KENNEDY. What was his position in the planning commission?

Mr. WHITLEY. He worked at the desk for anyone who wanted to get a building permit. He filled it out for them. He was also out looking the place over where the violation was.

Mr. KENNEDY. So these 2 people, these 2 individuals, saw this assault, saw Canaday strike you. Did you decide to swear out a warrant for his arrest?

Mr. WHITLEY. Yes; right after he hit me two city detectives drive around the corner. After we told them what was going on, they asked me if I wanted to swear out a warrant, and I told them I did. We went back to the courthouse and swore out a warrant.

Mr. KENNEDY. Did you discuss it with the city attorney?

Mr. WHITLEY. After we swore out the warrant we went in and talked to the city attorney, Mr. Jencks.

Mr. KENNEDY. Robert H. Jencks, Jr.?

Mr. WHITLEY. I don't know his other name.

Mr. KENNEDY. The city attorney?

Mr. WHITLEY. That is right.

Mr. KENNEDY. What did he advise?

Mr. WHITLEY. Well, he thought I should go ahead and prosecute.

Mr. KENNEDY. He thought you had a strong case?

Mr. WHITLEY. That is right. He thought that the city ought to stand behind their employees.

Mr. KENNEDY. So you decided to go ahead?

Mr. WHITLEY. That is right.

Mr. KENNEDY. Did the case then come up in the court?

Mr. WHITLEY. It was postponed a couple of times. After I got back upstairs that same time, I asked the boss about it, and he seemed to think I should go ahead and prosecute.

Mr. KENNEDY. What was the boss' name?

Mr. WHITLEY. Mr. Pitts.

Mr. KENNEDY. He suggested you go ahead?

Mr. WHITLEY. That is right.

Mr. KENNEDY. So you cleared it through all channels and everybody thought it was a good idea to go ahead and prosecute Mr. Canaday?

Mr. WHITLEY. Yes. Even Mr. Pitts' boss, I think his name is Hawkins, I think he is his boss, they had a meeting and called me in about a week or 4 or 5 days after it happened, and we were discussing it over. They thought it was all right for me to go ahead. But they

did say, I think it was Hawkins, that the union was trying to get me fired, or get my job, at that time.

Mr. KENNEDY. It was explained to you right then that the union wanted to get you fired?

Mr. WHITLEY. That is right.

Mr. KENNEDY. But you decided to go ahead because all of your superiors were behind you?

Mr. WHITLEY. That is right.

Mr. KENNEDY. Did the case ever come to trial? Well, prior to the date of it ultimately coming to trial, did you have any other conversations with Mr. Jencks?

Mr. WHITLEY. I did. He called me down to his office and was talking to me about dropping the case. He said I could help the man across the hall—and the only man across there was the mayor—if I dropped it.

The CHAIRMAN. Did what?

Mr. WHITLEY. That I could help the man across the hall, if I dropped the case.

The CHAIRMAN. Who was the man across the hall?

Mr. WHITLEY. Mayor West.

The CHAIRMAN. How would it help him if you dropped the case?

Mr. WHITLEY. Well, he said he had a lot of pressure on him.

Mr. KENNEDY. So what did you say?

Mr. WHITLEY. He said, "Since you work for the city, you do want to help them out," and I said, "Yes, I want to help them out, but I was sort of thinking about my job, too, since the mayor got into it."

I told him I would drop it. He told me to call the mayor's office up, after I got back upstairs to my office, and tell them what I was going to do. So when I reached back upstairs, I talked to Mr. Sharp and Bob House and told them what had happened, and Mr. Sharp was sort of disgusted because the city didn't want to stand behind me.

I went in and talked to Mr. Pitts and asked him if they could get my job if I went ahead and prosecuted, and he said they could, but he didn't think they would.

Mr. KENNEDY. So Mr. Sharp, your immediate superior, become disgusted with the city for backing down on that and thought you should go ahead and prosecute. But you were still worried about your job so you went to Mr. Pitts, who was your top superior, the boss of the office——

Mr. WHITLEY. That is right.

Mr. KENNEDY. And you asked him and he said they could take your job, but he did not think they would; is that right?

Mr. WHITLEY. That is right.

Mr. KENNEDY. So, did you decide to go ahead with it?

Mr. WHITLEY. Yes.

Mr. KENNEDY. Mr. Jencks told you to call up the mayor's office and tell them that you planned to drop the case?

Mr. WHITLEY. Yes.

Mr. KENNEDY. Did you call the mayor's office?

Mr. WHITLEY. Yes. The secretary answered and I told her who I was and that I was not going to drop the case against Perry Canaday. She got excited and told me to come down to the mayor's office right then, that he wanted to talk to me.

I told her I would. That was quitting time. I went back and told Mr. Sharp and Bob House what happened. Mr. Sharp, he was the assistant to Mr. Pitts, he said he was going to go down there with me to see why the mayor wanted me to drop the case and would not stand beside me. He and Bob House went to the mayor's office with me.

Mr. KENNEDY. All three of you went there?

Mr. WHITLEY. Yes.

Mr. KENNEDY. What happened then?

Mr. WHITLEY. I knocked on the door and the secretary told me to come in. I told her that I was there and wanted to see the mayor and Mr. Sharp said he was also with me. She asked what he wanted and Bob House, and they said they was with me and wanted to see what was going to happen.

She said the mayor was in conference.

Mr. KENNEDY. She had just told you that the mayor wanted to see you immediately?

Mr. WHITLEY. That is right.

Mr. KENNEDY. But when you got there with these other gentlemen she said he was in conference?

Mr. WHITLEY. That is right. We waited about 35 minutes for him to get out of conference and he never did. Mr. Sharp said he had to go home, that he had things to do, so we all three left. I knocked on the door and said I had things to do, so we left.

I think it was the next day that the trial came up and I did prosecute.

Mr. KENNEDY. Was he found guilty?

Mr. WHITLEY. Well, the judge said that he was going to do more, but he had pressure on him and he couldn't. It was either \$10 or \$14 and court costs.

Mr. KENNEDY. Ten or fifteen dollars fine?

Mr. WHITLEY. That is right, plus court costs.

Mr. KENNEDY. Plus court costs?

Mr. WHITLEY. That is right.

Mr. KENNEDY. That is all he got?

Mr. WHITLEY. That is right.

The CHAIRMAN. The judge said he wanted to do more, but he had a lot of pressure on him?

Mr. WHITLEY. That is right.

The CHAIRMAN. Who is the judge?

Mr. WHITLEY. I don't know. The city jail was condemned, so I had to take it out on a county warrant, even though it happened in the city. I don't know who the judge was. After we left the courtroom, I said something to Mr. Sharp about it, but there wasn't anything else said, even though it was more or less the talk that Mr. Jenks, after we got before the judge, he did act like he was trying to do what he could to get him fined or punished as much as he could, and they was talking more or less about him.

Mr. KENNEDY. About whom?

Mr. WHITLEY. About Mr. Jenks, how good of a job he did.

Mr. KENNEDY. Mr. Jenks really prosecuted it very diligently, did he not?

Mr. WHITLEY. He did.

Mr. KENNEDY. He tried very hard to get Mr. Canaday once he went ahead with the case?

Mr. WHITLEY. That is right, he did. It seemed like that to me, but I don't know whether it was fixed before we went in there or not.

Mr. KENNEDY. He was found guilty and the judge said in court he would like to do more, but there was pressure on him?

Mr. WHITLEY. That is right.

Mr. KENNEDY. Did you continue with your job?

Mr. WHITLEY. I did.

Mr. KENNEDY. For how long?

Mr. WHITLEY. I stayed there 3½ months. Three months, then I got fired.

Mr. KENNEDY. You got fired?

Mr. WHITLEY. That is right.

Mr. KENNEDY. For what reason?

Mr. WHITLEY. Well, he said he was going to abolish my job.

Mr. KENNEDY. Who said that?

Mr. WHITLEY. Mr. Pitts. He called me in his office one afternoon at quitting time and told me they were going to abolish my job and get somebody else who knew more about laying out subdivision, which was not my job at that time.

Mr. KENNEDY. He said he was going to get a man who knew a little more about laying out subdivisions?

Mr. WHITLEY. That is right.

Mr. KENNEDY. And that was not your job?

Mr. WHITLEY. That is right.

Mr. KENNEDY. So you were fired?

Mr. WHITLEY. That is right.

Mr. KENNEDY. Did they get someone who knew more about laying out subdivisions?

Mr. WHITLEY. No, the boy they hired was one I told about coming down there to try to get a job about a month or 6 weeks before they fired me.

Mr. KENNEDY. This was a friend of yours?

Mr. WHITLEY. That is right. I went to school with him.

Mr. KENNEDY. Did you have more experience or less experience than he did?

Mr. WHITLEY. I had more experience than he did. He had been in the Air Force for 4 years.

Mr. KENNEDY. So you had 4 years more experience than he did?

Mr. WHITLEY. No, I had three. I had been in the Army.

Mr. KENNEDY. So you had more experience than he did?

Mr. WHITLEY. That is right.

Mr. KENNEDY. And he was hired?

Mr. WHITLEY. That is right.

Mr. KENNEDY. You were told they wanted somebody with more experience?

Mr. WHITLEY. That is right. I called him that night and told him that they had fired me and he said he was surprised because they had hired him that morning.

Mr. KENNEDY. Did you ever protest it or question it?

Mr. WHITLEY. No. I wasn't in the civil-service pool, so I couldn't see about it.

Mr. KENNEDY. That was the end of it?

Mr. WHITLEY. Yes.

Mr. KENNEDY. And you went out and found a new job?

Mr. WHITLEY. Yes.

Mr. KENNEDY. Did you have any idea why you were fired?

Mr. WHITLEY. I never was told my work was bad. The only thing I can think of is because I prosecuted Perry Canaday.

The CHAIRMAN. Are there any questions?

What did you do to get the punch in the nose? I did not quite catch that.

Mr. WHITLEY. I didn't do anything. It was on account of my brother, he owned the Woodbine Can Co.

The CHAIRMAN. And when they found out you were his brother, they took a punch at you?

Mr. WHITLEY. That is the way it seemed.

The CHAIRMAN. I thought there was some question about the pictures that you were taking.

Mr. WHITLEY. I was taking pictures of the building next door to the union hall. That was my job, to go out and take pictures. When I got back into the office, I would draw up a sketch so it could be flashed on the screen and when they had a meeting they could study it over and talk about the violation, or if anyone wanted to build anything, they would talk about it and see if they were to give them a permit.

The CHAIRMAN. You were not taking a picture of the union building?

Mr. WHITLEY. I was not.

The CHAIRMAN. That was part of your job working for the city, to go out and take these pictures?

Mr. WHITLEY. Yes, sir.

The CHAIRMAN. And you were in the performance of your duty for the city?

Mr. WHITLEY. Yes, sir.

The CHAIRMAN. And in the course of the conversation with Canaday and Vaughn—was Vaughn there?

Mr. WHITLEY. Yes, sir. He was the first one. He was the one that wouldn't let me take the pictures. The only thing Canaday did was hit me.

The CHAIRMAN. Canaday hit you after he found out you were the brother of the taxicab owner?

Mr. WHITLEY. That is right.

The CHAIRMAN. Did you hit back?

Mr. WHITLEY. No, sir.

The CHAIRMAN. Were you able to?

Mr. WHITLEY. Well, I was stunned. I was smaller than I am now.

The CHAIRMAN. Sir?

Mr. WHITLEY. I was stunned, and I was a little bit smaller than I am now. Canaday was a pretty good size.

The CHAIRMAN. You couldn't have done much if you hit back, could you?

Mr. WHITLEY. No, sir.

The CHAIRMAN. So you just had to take it?

Mr. WHITLEY. That is right.

The CHAIRMAN. Are there any other questions? If not, thank you very much.

Mr. KENNEDY. What was the name of the man they hired to replace you?

Mr. WHITLEY. Billy Hatler.

Mr. KENNEDY. And you have talked to him since, have you not?

Mr. WHITLEY. I have.

Mr. KENNEDY. Is he doing about the same work that you were doing while you were there?

Mr. WHITLEY. He quit the city a month after he went there. I went from the city after they fired me to the United States engineers. He is now working for the United States engineers doing the same thing that I am doing.

Mr. KENNEDY. But while he was there, while he held your job, was he doing the same thing you were doing?

Mr. WHITLEY. That is right. He was doing the same thing.

The CHAIRMAN. All right; thank you very much.

The Chair wishes to make a brief announcement.

In the course of the testimony we have been hearing, there has been testimony that reflects in some degree upon the inefficiency or the indifference of some public officials to perform their duty in connection with violence which has been established by the evidence.

The Chair does not wish, and I know this committee at no time wishes to do anyone an injustice. This testimony does not come from the committee. It comes from witnesses who testify under oath and who, presumably, should know what they are talking about. So the Chair wishes to remind everyone of the rules of the committee, that anyone who feels offended, or if testimony has been given that might reflect upon them, upon request to appear before the committee, that request, I think, will be honored. We have always honored it whenever they requested it.

If such requests are made, the committee will try to honor the request and give them an opportunity to be heard.

The committee will stand in recess until 10:30 in the morning.

(Whereupon, at 4 p. m., the hearing in the above-entitled matter was recessed, to reconvene at 10:30 a. m., of the following day.)

(Members present at the taking of the recess were Senators McClellan, McNamara, and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, DECEMBER 10, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee convened at 10:30 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room Senate Office Building, Senator John L. McClellan, (chairman of the select committee) presiding.

Present, Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Pat McNamara, Democrat, Michigan; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; LaVern J. Duffy, investigator; James P. McShane, Investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session: Senators McClellan, Ives, McNamara, and Curtis.)

The CHAIRMAN. Call the first witness.

Mr. KENNEDY. Mr. Shelton P. Keeling.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KEELING. I do.

TESTIMONY OF SHELTON P. KEELING

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. KEELING. Shelton P. Keeling, 5915 Port View Circle, Chattanooga, Tenn., and I am a mechanic for Avis Motorent.

The CHAIRMAN. Do you waive counsel?

Mr. KEELING. Yes; I do.

Mr. KENNEDY. You are a mechanic for what company?

Mr. KEELING. Avis Motorent.

Mr. KENNEDY. How long have you been working in Chattanooga?

Mr. KEELING. I have been in Chattanooga since August of 1955.

Mr. KENNEDY. Prior to that were you located in Nashville, Tenn.?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. For Motorent Co., in Nashville, Tenn.?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Now, in January of 1954, were the teamsters attempting to organize your company?

Mr. KEELING. They were organized.

Mr. KENNEDY. In the midst of an organization drive?

Mr. KEELING. No, sir; they were organized.

Mr. KENNEDY. They were organized?

Mr. KEELING. They were already organized.

Mr. KENNEDY. Were the teamsters having a dispute with the company, that brought you out on strike?

Mr. KEELING. It was a contract dispute.

Mr. KENNEDY. Did you go out on strike at that time?

Mr. KEELING. Yes, sir; I did.

Mr. KENNEDY. The company went out on strike?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Were you one of the pickets?

Mr. KEELING. I was.

Mr. KENNEDY. You remained on the picket line for how long?

Mr. KEELING. About 3 weeks I would say; yes, sir.

Mr. KENNEDY. Did the picket line continue?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Did you continue?

Mr. KEELING. No, sir.

Mr. KENNEDY. You went back to work?

Mr. KEELING. I went back to work.

Mr. KENNEDY. Why did you go back to work?

Mr. KEELING. On account of the practices they were using, and they were putting sirup in trucks and things like that.

Mr. KENNEDY. They were putting sirup in the trucks of the company?

Mr. KEELING. Yes, sir; the company trucks.

Mr. KENNEDY. And you objected to those kinds of tactics?

Mr. KEELING. Yes, sir; I did.

Mr. KENNEDY. Did that go on very often; a number of different times?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. That the sirup was put in the trucks?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. And you objected to it?

Mr. KEELING. Yes, sir; I did.

Mr. KENNEDY. Finally you became disgusted after a period of about 3 weeks and went back to work?

Mr. KEELING. That is right.

Mr. KENNEDY. Could you tell us, were there any window breakings as well as the siruping of the trucks?

Mr. KEELING. Not that I recall; no, sir.

Mr. KENNEDY. Were there any other tactics that were used that you objected to?

Mr. KEELING. Nothing more than abuse of the equipment.

The CHAIRMAN. How was that done?

Mr. KEELING. Putting sirup in and stuff like that.

Mr. KENNEDY. Were there any telephone calls made to any of the company officials, that you knew about?

Mr. KEELING. Not that I knew of.

Mr. KENNEDY. So you went back to work after a period of about 3 weeks?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Now, did anything happen to you after you went back to work?

Mr. KEELING. Well, my tools were stolen all through the time that I continued to work in Nashville.

Mr. KENNEDY. Your tools were stolen?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Did that happen very often?

Mr. KEELING. Well, I don't think there was a week passed that I didn't have anywhere from \$6 to \$25 worth of tools stolen.

Mr. KENNEDY. So about every week, you had from \$6 to \$25 worth of tools stolen?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Did that happen to the other employees?

Mr. KEELING. No, sir.

Mr. KENNEDY. Was there any other kind of harassment?

Mr. KEELING. No, sir.

Mr. KENNEDY. What about in your automobile?

Mr. KEELING. Oh, yes; the automobile. About every day I would have 1 flat and sometimes 4 every day.

Mr. KENNEDY. Every day you would have at least one tire punctured?

Mr. KEELING. From 1 to 4; yes, sir.

Mr. KENNEDY. Every day that you came out from work, you would find at least one of your tires flat?

Mr. KEELING. Yes, sir; in the sidewall of the tire, and not in the tread.

Mr. KENNEDY. Did you try to get new inner tubes, for your inner tubes would be worn out if they were punctured every day?

Mr. KEELING. I got inner tubes in my old car now that look like a leopard.

Mr. KENNEDY. How many patches do you think you have on some of your inner tubes?

Mr. KEELING. I would say some of them have 60 patches on them.

Mr. KENNEDY. And your locker was broken into, was it?

Mr. KEELING. Yes, sir; at least 3 or 4 times.

Mr. KENNEDY. Your locker was broken into?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Was anything taken from your locker?

Mr. KEELING. Yes, sir; my clothing and my work clothes and several uniforms were taken, and 3 or 4 pair of workshoes.

Mr. KENNEDY. What about the lock on your toolbox; was that broken?

Mr. KEELING. 3 or 4 times; yes, sir.

Mr. KENNEDY. How much would that cost you?

Mr. KEELING. About \$2.50 a lock.

Mr. KENNEDY. Did anything else happen to your automobile?

Mr. KEELING. Yes sir. I had a new paint job on it, and, about 2 or 3 weeks after it was painted and before it got dry, someone put paint remover on it and ruined the paint job.

Mr. KENNEDY. Paint remover?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. And was your automobile ever siruped?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Sirup was put in your automobile, and paint remover was thrown on the car?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. And your tires were punctured?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Did you ever have all of your tools stolen?

Mr. KEELING. Yes, sir; the entire box was stolen at one time.

Mr. KENNEDY. When did that happen?

Mr. KEELING. That I think was in July of 1955, June and July of 1955.

Mr. KENNEDY. How much were those tools worth to you?

Mr. KEELING. Well, at one time, I bought, I think, it was about \$370 worth, at one time.

The CHAIRMAN. You have to furnish your own tools; is that the practice?

Mr. KEELING. Yes, sir.

The CHAIRMAN. The mechanic furnishes his own tools?

Mr. KEELING. That is the practice.

The CHAIRMAN. This was a personal loss to you?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Did the company help compensate you for the loss?

Mr. KEELING. On the entire loss, they did.

Mr. KENNEDY. On what?

Mr. KEELING. On the entire loss they did, when they got the whole box full; yes, sir.

The CHAIRMAN. When they got the whole box, the company helped you out on that, but these other stealings, or takings, you had to bear that alone?

Mr. KEELING. Yes, sir; I replaced those myself.

Mr. KENNEDY. Did you tie all of this harassment and your clothes being stolen and your locks being busted, and your tools being stolen, and what happened to your automobile—did you tie that into the difficulty that you had with the union about your going out on strike and then coming back to work?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. You thought it was directly tied to that?

Mr. KEELING. Absolutely.

Mr. KENNEDY. Do you know anybody, or could you tell anybody who was responsible for any of these acts?

Mr. KEELING. No, sir; I couldn't say; no, sir.

Mr. KENNEDY. That strike was settled, and the employees or the pickets came back to work, did they?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Did you ever go out on strike again?

Mr. KEELING. Yes, sir; one more time, while I was there.

Mr. KENNEDY. When was that?

Mr. KEELING. I think that was in the spring of 1955; I am sure it was the spring of 1955.

Mr. KENNEDY. What position did you take on that?

Mr. KEELING. Well, I didn't work while they were on strike.

Mr. KENNEDY. You did not work?

Mr. KEELING. No, sir.

Mr. KENNEDY. For what reason?

Mr. KEELING. Well, my employer said he didn't think it would be safe for me to work while the strike was going on.

Mr. KENNEDY. So you just went home?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. And you stayed at home?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Then they opened up a new plant in Chattanooga; is that right?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. And transferred you to Chattanooga because they thought it would be safer for you there?

Mr. KEELING. That is right.

Mr. KENNEDY. How long did this harassment keep up on you, Mr. Keeling?

Mr. KEELING. Well, it was more than a year.

Mr. KENNEDY. More than a year?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. When all of these things were taking place?

Mr. KEELING. Yes, sir.

Mr. KENNEDY. Did you ever contemplate making peace with the union so that these things would stop?

Mr. KEELING. No, sir.

Mr. KENNEDY. Why not?

Mr. KEELING. Well, I was approached one time by an employee of the union and I don't recall what his name was. He wanted to know why I didn't get right.

Mr. KENNEDY. Why you didn't what?

Mr. KEELING. Why I didn't get right and come back in the union, and I told him when he cleaned up, I would be glad to.

Mr. KENNEDY. But you were not going back in despite all of these things?

Mr. KEELING. That is right.

Mr. KENNEDY. You were not going to go back in until they cleaned up the local union?

Mr. KEELING. That is right.

Mr. KENNEDY. Have you had any difficulty since you have been in Chattanooga?

Mr. KEELING. Not a bit.

The CHAIRMAN. While you were on the picket line, and while you were joining in the strike, did any violence occur other than the siruping of the trucks?

Mr. KEELING. Not at the plant, sir; no, sir.

The CHAIRMAN. Not at the plant?

Mr. KEELING. No.

The CHAIRMAN. That was the only violence that occurred?

Mr. KEELING. Yes, sir.

The CHAIRMAN. Did you take part in it?

Mr. KEELING. No, sir.

The CHAIRMAN. Were you asked to take part in it?

Mr. KEELING. No.

The CHAIRMAN. Who did you protest to, and you said you objected to that sort of thing?

Mr. KEELING. It was just the men I was working with.

The CHAIRMAN. You talked to them about it?

Mr. KEELING. Yes, sir.

The CHAIRMAN. You don't know who in the union, if it was being done by the union, was giving the orders?

Mr. KEELING. I wouldn't know.

The CHAIRMAN. You would not know that?

Mr. KEELING. No; I wouldn't know that.

The CHAIRMAN. Are there any further questions?

Senator McNAMARA. I would like to ask a couple of questions. Did you report these thefts and siruping of your car to the police?

Mr. KEELING. No, sir; I did not.

Senator McNAMARA. Why not?

Mr. KEELING. Well, I did not think it would be any use.

Senator McNAMARA. What do you mean by that? You mean they were cooperating with the strikers?

Mr. KEELING. I would not say they were cooperating, no sir, but you could not get anything; there would not have been anything done about it.

Senator McNAMARA. There would not?

Mr. KEELING. No, sir.

Senator McNAMARA. How do you know this? Did other people try, and nothing happened?

Mr. KEELING. I don't know of anyone that did.

Senator McNAMARA. You just felt in your own mind, without any justification, there was no use to report it to the police?

Mr. KEELING. I just felt there would be no use.

Senator McNAMARA. When you went back to work on this first strike, were there several employees or many of your employees back?

Mr. KEELING. Pardon me?

Senator McNAMARA. There were other people working when you went back to work, while the strike was still on. There were other people working for the company then, too; were there not?

Mr. KEELING. Yes, sir; but they were not union members.

Senator McNAMARA. They were not union members?

Mr. KEELING. No, sir.

Senator McNAMARA. You were the only one who had been a union member and then went back?

Mr. KEELING. One other man did come back.

Senator McNAMARA. Were his tools stolen, too, the other man?

Mr. KEELING. Yes, sir; he stayed only about a month, or something like that, and he quit.

Senator McNAMARA. So they picked on you because you had been on strike and then went back, and that is your explanation of why you were singled out for this kind of treatment?

Mr. KEELING. That is right, sir.

Senator McNAMARA. What happened when they put sirup in your car? What actually did you have to do to correct it?

Mr. KEELING. The car had to be overhauled.

Senator McNAMARA. What do you mean by "overhauled"?

Mr. KEELING. Well, it had to have new pistons and new rings.

Senator McNAMARA. It ruins the pistons?

Mr. KEELING. The motor had to be completely torn down, and overhauled, about \$165.

Senator McNAMARA. How old was the car?

Mr. KEELING. Well, it was about 4 years old.

Senator McNAMARA. Did you have to have a new fuel pump?

Mr. KEELING. No, sir.

Senator McNAMARA. The sirup does not get in there?

Mr. KEELING. The sirup was put in the crankcase.

Senator McNAMARA. Not in the gasoline tank?

Mr. KEELING. No, sir.

Senator McNAMARA. I see. Is it customary to put it in the crankcase, and not in the fuel tank?

Mr. KEELING. I don't know, sir; that is where it was put in mine.

Senator McNAMARA. It was put in your crankcase, but you knew about siruping of cars, and that is why you went back to work

Mr. KEELING. Yes, sir.

Senator McNAMARA. Do you know whether they put sirup in the crankcase, or in the gasoline tank, on these other cars that caused you to go back to work?

Mr. KEELING. In the crankcase.

Senator McNAMARA. That was the general practice, as far as you knew?

Mr. KEELING. Yes, sir.

Senator McNAMARA. That is very interesting.

That is all, Mr. Chairman.

The CHAIRMAN. Thank you very much. You may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Keith Draper is the next witness.

The CHAIRMAN. Do you solemnly swear that the evidence you give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DRAPER. I do.

TESTIMONY OF KEITH DRAPER

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. DRAPER. My name is Keith Draper, I live at 111 10th Street, Madison, Tenn., and I work for American Bakery Co. as a salesman.

The CHAIRMAN. In what capacity?

Mr. DRAPER. Salesman.

The CHAIRMAN. You waive the right of counsel?

Mr. DRAPER. I do.

Mr. KENNEDY. In the early part of this year, Mr. Draper, were the Teamsters Union Local 327 in Nashville attempting to organize the American Bakery Co.?

Mr. DRAPER. That is right.

Mr. KENNEDY. Were you for or against the organizational drive?

Mr. DRAPER. I was against it.

Mr. KENNEDY. You were against it?

Mr. DRAPER. That is right.

Mr. KENNEDY. And were you an outspoken critic of the union?

Mr. DRAPER. In other words, you mean I came out in front of everybody? That is right, I did.

Mr. KENNEDY. You were strongly against the union and you made your views known, is that right?

Mr. DRAPER. That is right.

Mr. KENNEDY. Did you ever have any personal difficulties with the union?

Mr. DRAPER. In my previous job I knew of some of the tactics they had pulled, or at least I thought they had pulled. In one instance, when they were talking about organizing the grocery store where I worked, Cooper-Martin, the butcher had acid thrown all over his car, and it would have eaten the car up in a short time, if he had not found out what happened.

That was one reason, or one of the reasons, why I was objecting to the teamsters coming in.

Mr. KENNEDY. From this personal experience that you have had earlier?

Mr. DRAPER. That is right.

Mr. KENNEDY. Were you assaulted by any representative of the union?

Mr. DRAPER. By Perry Canaday.

Mr. KENNEDY. Who is the business agent of 327?

Mr. DRAPER. That is right.

Mr. KENNEDY. Would you tell us what happened?

Mr. DRAPER. I was at a cafe, and I got ready to leave, and I walked in the restroom.

Mr. KENNEDY. This is on September 22, of this year?

Mr. DRAPER. That is right.

I was standing with my back to the door, and I looked around over my right shoulder, and when I did, he slugged me on my lefthand side of my face. When I came up there, my face came up like a baseball and stayed there.

The CHAIRMAN. What did he slug you with?

Mr. DRAPER. I don't know.

Mr. KENNEDY. You don't know what he hit you with?

Mr. DRAPER. No.

Mr. KENNEDY. Were you dazed or knocked out?

Mr. DRAPER. It knocked me in a daze; yes, sir.

Mr. KENNEDY. Then he left?

Mr. DRAPER. I partly fell to the floor, and I did not go all of the way down, but I like to have gone to the floor. My mouth was cut on the inside.

The CHAIRMAN. Did he give you any warning?

Mr. DRAPER. No, sir.

The CHAIRMAN. Did he talk to you before?

Mr. DRAPER. No.

The CHAIRMAN. Just an assault without warning?

Mr. DRAPER. In fact I did not know him at the time he hit me.

The CHAIRMAN. You did not even know him?

Mr. DRAPER. No, sir.

Mr. KENNEDY. What steps did you take then?

Mr. DRAPER. When I came out of the restroom, of course I was bleeding, and I sat down there in a booth there, and they brought towels and water to absorb the blood, which was streaming out of my nose and my mouth. Some of the people in the cafe told me who it

was that followed me in the restroom, said it was Perry Canaday, and so I went down and swore out a warrant for him.

Mr. KENNEDY. What kind of a warrant did you swear out?

Mr. DRAPER. I swore out a Joe Doe warrant.

Mr. KENNEDY. On whose advice did you swear out a Joe Doe warrant?

Mr. DRAPER. From the officer who was in the courthouse, and he said "If we get a Joe Doe warrant, these other guys around the courthouse don't know who we are looking for, and I will have a better chance to pick him up."

Mr. KENNEDY. He suggested that you just put "Joe Doe," rather than Perry Canaday's name, actually on the warrant because of the fact that the rest of the people around the courthouse, if they found out who you were looking for, you might not be able to pick him up?

Mr. DRAPER. He would know they were looking for him, and they could not pick him up.

Mr. KENNEDY. He thought there would be a better chance to pick him up?

Mr. DRAPER. Yes, sir.

Mr. KENNEDY. The warrant was turned over to this police officer?

Mr. DRAPER. Yes, sir; and we went back out to the cafe, and it was just about closing time, or they had closed, and I sat in the car, and two officers went in, and the cafe owner said that Perry Canaday had gone, and he wasn't there.

Mr. KENNEDY. So what happened after that?

Mr. DRAPER. So they carried me back to the courthouse, and advised me to go to the hospital, they thought my jaw was broken, and so I went to the hospital, and my jaw wasn't broken, and after that I went home.

Mr. KENNEDY. Did you hear anything about it after that?

Mr. DRAPER. Yes, sir; on Sunday morning.

Mr. KENNEDY. What day was this, that you were hit?

Mr. DRAPER. It was Saturday night.

On Sunday morning I got a telephone call at home, asking me would I drop charges.

Mr. KENNEDY. Who was the telephone call from?

Mr. DRAPER. Fred Pirtle.

Mr. KENNEDY. How do you spell his name?

Mr. DRAPER. I am not positive.

Mr. KENNEDY. Who was he?

Mr. DRAPER. He was working at the bakery at that time.

Senator CURTIS. What is that?

Mr. DRAPER. He was working for the bakery at that time, as a salesman, too.

Mr. KENNEDY. He asked you to drop the charges?

Mr. DRAPER. Yes, sir.

Mr. KENNEDY. What did you say then?

Mr. DRAPER. I did not agree to it right at that time.

Mr. KENNEDY. Did he give you a reason why you should drop them?

Mr. DRAPER. He said that if I dropped them, it would be for my benefit, if I would drop them, and there would not be anything else to it.

Mr. KENNEDY. Then what happened? Did you get any other telephone calls?

Mr. DRAPER. We got three more that afternoon.

Mr. KENNEDY. Who were they from?

Mr. DRAPER. I do not know who the other three were from.

Mr. KENNEDY. Just anonymous telephone calls?

Mr. DRAPER. That is right.

Mr. KENNEDY. Were the calls to you or to your wife?

Mr. DRAPER. Well, my wife answered the phone once and they talked to her once.

Mr. KENNEDY. What did they say?

Mr. DRAPER. Well, they advised her to get me to go and release the warrant, or if I didn't, something might happen to the children or—I mean, something might happen to me or it could even happen to the children and her. It was for my own benefit that I go do that.

Mr. KENNEDY. Did they say the same things to you?

Mr. DRAPER. Practically the same things.

Mr. KENNEDY. So what did you decide to do then?

Mr. DRAPER. Then, I finally got the last telephone call when I decided to go drop it. It was from Fred Pirtle, too, the one that called first.

Mr. KENNEDY. What did he say?

Mr. DRAPER. He asked me if I had changed my mind about what I wanted to do. In the meantime, my wife had got all worried, and torn up over the situation, and the little girl, too, which is 13. So we decided that that was the only thing to do, was to withdraw the warrant. So when Pirtle called me the last time, I told him that I would. He asked me to come over—to come to the cafe, and that is where I went. They did not have the warrant then.

Mr. KENNEDY. He asked you to meet him at the cafe on September 24?

Mr. DRAPER. On Sunday night.

Mr. KENNEDY. That would be Sunday night?

Mr. DRAPER. On Sunday night. I met him there about 6 o'clock.

Mr. KENNEDY. That would be the following day, September 23?

Mr. DRAPER. That is right.

Mr. KENNEDY. You met him there?

Mr. DRAPER. I met Pirtle and Canaday, and the restaurant owner-operator, I do not know who it is, and we went in the back room and talked, and he thanked me for what I was going to do to drop the charges.

The CHAIRMAN. Who thanked you?

Mr. DRAPER. Perry and Pirtle.

The CHAIRMAN. Did he say why he hit you?

Mr. DRAPER. He said he reckoned he was just all drunk up.

The CHAIRMAN. Reckoned he was just all drunk up?

Mr. DRAPER. That is what he said.

The CHAIRMAN. Did he appear to be drunk when he hit you?

Mr. DRAPER. A man couldn't hit that hard, drunk.

Mr. KENNEDY. So was that the end of it? He didn't have anything with him at that time?

Mr. DRAPER. Not at that time. So they asked me to go by the courthouse, and asked, could I get in by 4 o'clock the next afternoon. I

told them no, that Monday was a hard day and I usually got in around 6 o'clock on Monday. So they said, "Well, we will see what we can do." So then, when I go to the office on Monday afternoon, there was a telephone call there for me to call, and the supervisor had the number, and he knew who it was. He said, "Pirtle is trying to get hold of you." I said, "I know what it is about." So, when I got hold of Pirtle, I called him, he said for me to meet him back at this cafe and I could sign.

Mr. KENNEDY. Could sign what?

Mr. DRAPER. The warrant, the release on the warrant. So I go back to the cafe on Monday night, and Canaday and the restaurant operator had the warrant.

Mr. KENNEDY. They had the warrant that had been in the hands of the police officer? They had the warrant then themselves?

Mr. DRAPER. That is right.

Mr. KENNEDY. The warrant which you had sworn out and which had been turned over to the police officer 2 days before was now in the possession of Perry Canaday, himself?

Mr. DRAPER. That is right.

Mr. KENNEDY. Do you know where he got the warrant?

Mr. DRAPER. No, sir; I don't.

Mr. KENNEDY. This is in Nashville, Tenn.?

Mr. DRAPER. That is right.

Mr. KENNEDY. You have no explanation as to why he had the warrant and hadn't been placed under arrest by that time? You hadn't withdrawn the charge at that time, had you?

Mr. DRAPER. No, sir; I had not.

Mr. KENNEDY. If anybody gave him the warrant, he would have been under arrest. Can you give any explanation as to how he got the warrant without being put under arrest?

Mr. DRAPER. No, sir.

Mr. KENNEDY. Or why the warrant was given to him?

Mr. DRAPER. He had to get it from an officer or out of the courthouse, one.

Mr. KENNEDY. What did he want you to do with the warrant?

Mr. DRAPER. Well, I asked him. I didn't know how to release any warrant, and he said, "Well, you just sign your name right here."

Mr. KENNEDY. Did he have anything written there?

Mr. DRAPER. I do not remember whether that was on there. It was on there when I signed my name, but I do not know whether they wrote it on there or whether it was already written on there.

Mr. KENNEDY. You don't know whether it was written on in your presence, is that right?

Mr. DRAPER. That is right. I do not remember that.

The CHAIRMAN. I hand you a photostatic copy of the warrant, I believe, about which you have been testifying. Will you examine it and state if you identify it.

(Document handed to the witness.)

Mr. DRAPER. That is it.

The CHAIRMAN. Do you identify it?

Mr. DRAPER. That is right.

The CHAIRMAN. That may be made exhibit No. 18.

(The document referred to was marked "Exhibit No. 18" for reference and may be found in the files of the select committee.)

The CHAIRMAN. The warrant shows that it was issued against John Doe, I believe. It shows it was issued against John Doe, charging him with assault and battery upon the person of the prosecutor, and your name appears over here as the person of the prosecutor, Keith Draper.

Mr. DRAPER. That is right.

The CHAIRMAN. You signed this warrant, did you?

Mr. DRAPER. At the courthouse.

The CHAIRMAN. That is your signature?

Mr. DRAPER. On the front; yes, sir.

The CHAIRMAN. And then when you released it, you signed this statement on the back of it, it appears.

Mr. DRAPER. I just signed my name on the back of it. I signed that statement.

The CHAIRMAN. I did not understand you.

Mr. DRAPER. I didn't write that, "I do not wish to prosecute."

The CHAIRMAN. I know you did not write it, but you signed with that on it.

Mr. DRAPER. That is right.

The CHAIRMAN. The warrant was issued the 22d day of September 1957 according to the date of it, and on the reverse side there is written in pen, "I do not wish to prosecute. 9-23-57," which was the next day.

Mr. DRAPER. That is right. That was on Monday night.

The CHAIRMAN. And your name appears, "Keith Draper." You signed that statement that you did not want to prosecute.

Mr. DRAPER. That is right.

The CHAIRMAN. All right.

Mr. KENNEDY. That is not in your handwriting, "I do not want to prosecute"?

Mr. DRAPER. No, sir. That is not in my handwriting.

Mr. KENNEDY. That was written by them, is that right?

Mr. DRAPER. That is right.

Mr. KENNEDY. Did you ever hear from Mr. Canaday again, or did you ever hear anything further regarding this matter?

Mr. DRAPER. Yes. I don't recall the date, but it seems to me it was about 3 or 4 weeks ago. A month to 6 weeks, I will put it that way. I was approached at College Grove, Tenn., which is about 30 miles south of Nashville, by an ex-employee of the company, which was Fred Pirtle. It was in a grocery store. I said, "Boy, what are you doing down here?" He said, "Well, I am just riding around." He said, "Perry wants to see you out here." So I walked on out and Perry Canaday was out there. He said, "Get in." I got in, in the back seat of his car. He said, "Has the Tennessean reporter got hold of you?" I said, "No." He said, "Well, he probably will. When he does get ahold of you, you don't tell him anything. That is for the good of you, for the good of you and your family. Just don't tell him anything."

Mr. KENNEDY. Who said this to you?

Mr. DRAPER. Canaday.

The CHAIRMAN. For the good of you and your family?

Mr. DRAPER. That is right. So, I agreed to it. I said, "All right."

Mr. KENNEDY. Did you hear again from them after that?

Mr. DRAPER. Well, that night was when Mr. McShane met me; when I come in that night.

Mr. KENNEDY. Mr. McShane of the staff of this committee?

Mr. DRAPER. That is right. That is when he talked with me, was that same day that they met me at College Grove. The next day they met me at Nolansville.

Mr. KENNEDY. Nolansville?

Mr. DRAPER. That is right. That is about 15 miles south of Nashville.

Mr. KENNEDY. Canaday again?

Mr. DRAPER. That is right. So when I come out of the store—well, my supervisor was with me, but he stayed in the store. I went back to the truck to get some more bread. They hollered at me to come to the car. So I walked over the car where they were. And he said, "Well, that is just fine." Of course, it come out in the paper, but I wasn't telling the reporter anything. He said, "That is fine." Of course, the reason I didn't tell the news reporter was because Mr. McShane told me that in case the newspaper called me just to say, "I have no comment." So that is what I did. So it worked both ways. He said, "Well, the grand jury will probably indict you, and when they do," he said, "you don't tell them anything."

Mr. KENNEDY. That the grand jury would probably call you?

Mr. DRAPER. Would call me. And he said, "If they do, you just tell them you don't know who hit you." Then he said, "There won't be anything to this."

Mr. KENNEDY. Did they say what you should say about what your condition was at the time, about being drunk or anything?

Mr. DRAPER. Well, they did make a remark most every time when they were talking, that they were just all drunked-up.

Mr. KENNEDY. Did they suggest that you say you were drunk, also, and didn't know who hit you?

Mr. DRAPER. That is right.

Mr. KENNEDY. And that suggestion was made at the last meeting that you had, that if you were called before a grand jury, you would say that?

Mr. DRAPER. And then the grand jury couldn't do anything.

Mr. KENNEDY. If you said that, the grand jury could not take any action?

Mr. DRAPER. That is right.

Mr. KENNEDY. Was that the last time you heard from them?

Mr. DRAPER. Yes; it was.

Mr. KENNEDY. Did you or your wife receive any more telephone calls?

Mr. DRAPER. Well, we have received a lot of calls, but we don't know who is calling. They call my wife and ask if I am at home, and if I go to the telephone, nobody is there. Nobody will answer. They have already hung up.

Mr. KENNEDY. Have you received many of those telephone calls?

Mr. DRAPER. Well, it happens a couple of times every night.

Mr. KENNEDY. Every night?

Mr. DRAPER. Yes, sir.

Mr. KENNEDY. And they are never there when you get to the phone?

Mr. DRAPER. No, sir.

Mr. KENNEDY. Did they ever say anything to your wife if you are not there?

Mr. DRAPER. No, sir.

Mr. KENNEDY. They just ask if you are there?

Mr. DRAPER. They just ask if I am there. We have left the telephone off the hook to keep anybody from calling so that they will not wake up anybody.

Mr. KENNEDY. What time do the telephone calls come?

Mr. DRAPER. They come at any time in the night.

Mr. KENNEDY. Right straight on through the morning?

Mr. DRAPER. We have had them as late as 3 o'clock in the morning. Most of them are before 12 o'clock.

Mr. KENNEDY. Does this upset your wife?

Mr. DRAPER. Sure it does. She don't know what will happen to her or the children, because she can't figure out what the object is.

The CHAIRMAN. Mr. Draper, you signed this release on the warrant because you were afraid; isn't that true?

Mr. DRAPER. That is right.

The CHAIRMAN. And now you are still being harassed by these telephone calls?

Mr. DRAPER. Yes, sir; but they don't say anything.

The CHAIRMAN. I understand. You described what occurred. You were also asked to commit perjury if you went before the grand jury, to swear you didn't know who hit you when you do know who hit you?

Mr. DRAPER. That is right.

The CHAIRMAN. That is correct?

Mr. DRAPER. That is right.

The CHAIRMAN. Did you think these telephone calls are just to keep you reminded that they mean for you to commit perjury when you go before the grand jury?

Mr. DRAPER. Well, that would be what I would think. A friend wouldn't be calling me and doing me that way.

The CHAIRMAN. Sir?

Mr. DRAPER. A friend of mine wouldn't be calling me and doing the family that way. A friend, I say.

The CHAIRMAN. Anyone who had your interests at heart wouldn't be calling you and doing you that way; would they?

Mr. DRAPER. That is right.

The CHAIRMAN. So you are still under apprehension?

Mr. DRAPER. Yes, sir.

Senator CURTIS. When was the last harassment you were subjected to? How long ago?

Mr. DRAPER. I didn't quite get that, please.

Senator CURTIS. When was the last time anybody bothered and harassed you?

Mr. DRAPER. When they met me at Nolansville was the last time I know—

Senator CURTIS. When was that?

Mr. DRAPER. That was before 5 weeks ago, I reckon it was.

Senator CURTIS. That is all.

The CHAIRMAN. There are the telephone calls.

Senator CURTIS. You haven't received any telephone calls in the last 5 weeks?

Mr. DRAPER. Yes, sir; but I don't know who they were from.

Senator CURTIS. I did not ask you who they were from. I asked you when was the last one you received.

Mr. DRAPER. Last Saturday.

Senator CURTIS. Last Saturday?

Mr. DRAPER. Yes, sir.

Senator CURTIS. And that was after it was known you were coming down here, too?

Mr. DRAPER. Yes, sir.

Mr. KENNEDY. And you did appear before a grand jury; did you not?

Mr. DRAPER. Yes, sir; twice.

Mr. KENNEDY. You were called before the grand jury and you testified truthfully?

Mr. DRAPER. Yes, sir.

Mr. KENNEDY. That was within the last week?

Mr. DRAPER. The last week, I think.

Mr. KENNEDY. And Mr. Canaday has been indicted, has he not, for the assault?

Mr. DRAPER. I understood by the paper that he was to be, yesterday.

Mr. KENNEDY. It wasn't because you had pressed it yourself, but the district attorney started to move on this matter?

Mr. DRAPER. Yes, sir; he started to move. He said he had to get to work on this case before Washington let it out.

The CHAIRMAN. Before Washington let it out. Maybe we are doing some good down there.

(At this point, Senator Ives withdrew from the hearing room.)

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. You mentioned a Mr. Pirtle. You called him Mr. Pirtle. Was he a friend of yours?

Mr. DRAPER. I thought he was. It turned out he wasn't.

Senator McNAMARA. He was just somebody that worked with you? You were both salesmen, was that the relationship?

Mr. DRAPER. Yes, sir.

Senator McNAMARA. Was he present the night you were beaten up?

Mr. DRAPER. He left about, I would say, 3 minutes before I got hit.

Senator McNAMARA. He had been there, however?

Mr. DRAPER. Yes, sir.

Senator McNAMARA. You thought he was your friend, but it develops now that because of these instances, you find he is not your friend?

Mr. DRAPER. Yes, sir.

Senator McNAMARA. Are we to assume that he was friendly to this man that beat you up?

Mr. DRAPER. Yes, sir. He was with him both times he beat me on the highway.

Senator McNAMARA. He traveled around with him?

Mr. DRAPER. Yes, sir.

Senator McNAMARA. Was he a member of this union that was trying to organize the place?

Mr. DRAPER. After he left the company, I think he did.

Senator McNAMARA. But not at the time?

Mr. DRAPER. Not at that time he wasn't.

Senator McNAMARA. Did they succeed in organizing the plant or not?

Mr. DRAPER. No, sir. They called off the election.

Senator McNAMARA. They called it off?

Mr. DRAPER. Yes, sir.

Senator McNAMARA. That is all, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Call the next witness.

(Members present at swearing of the witness were: Senators McClellan, McNamara, and Curtis.)

Mr. KENNEDY. Andrew Mosier.

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOSIER. I do.

TESTIMONY OF ANDREW T. MOSIER

The CHAIRMAN. State your name, your place of residence, and your business or occupation, Mr. Mosier.

Mr. MOSIER. Andrew T. Mosier, Nashville, Tenn., Belle Meade Police Department.

The CHAIRMAN. You are what?

Mr. MOSIER. A lieutenant on the Belle Meade Police Department.

The CHAIRMAN. Belle Meade?

Mr. MOSIER. Yes, sir.

The CHAIRMAN. Thank you. You waive counsel?

Mr. MOSIER. Yes, sir.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Where is Belle Meade?

Mr. MOSIER. Belle Meade is a small suburban—a suburb on the western part of Nashville.

Mr. KENNEDY. The western part of Nashville?

Mr. MOSIER. Yes.

Mr. KENNEDY. It is not within the city lines of Nashville?

Mr. MOSIER. It is in Davidson County.

Mr. KENNEDY. You are outside of the jurisdiction of the police force of Nashville?

Mr. MOSIER. That is right; yes.

Mr. KENNEDY. Within the jurisdiction of the sheriff's office?

Mr. MOSIER. That is right.

Mr. KENNEDY. Could you tell the committee about the Belle Meade Police Department? It is an unusual arrangement.

Mr. MOSIER. Well, the Belle Meade Police Department is privately owned by Leo Lucarini.

The CHAIRMAN. It is what?

Mr. MOSIER. Privately owned.

The CHAIRMAN. Privately owned?

Mr. MOSIER. Yes, sir. It is a subscription basis.

Mr. KENNEDY. L-u-c-a-r-i-n-i?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. How does it operate? Will you explain that?

Mr. MOSIER. We operate through a charging for services, and protecting the property of homes and business places in that area. I have been there 24 years.

The CHAIRMAN. Are you a deputy sheriff?

Mr. MOSIER. Yes, sir; deputy sheriff or undersheriff.

The CHAIRMAN. You are under that authority?

Mr. MOSIER. Yes, sir; under the authority of the sheriff's office.

Mr. KENNEDY. You are under the sheriff's office, although it is a private institution; is that right?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. Do you also perform work for the public?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. Such as what?

Mr. MOSIER. To a certain extent. On school zones, traffic, things like that.

Mr. KENNEDY. But basically, it is a private institution?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. And you take your instructions ultimately from the sheriff's office?

Mr. MOSIER. That is right.

Mr. KENNEDY. Then you allow your deputies to work out on a contract basis with companies and with firms and with private homes, is that right, to protect property?

Mr. MOSIER. Let me explain that a little bit further. We have a watching service, like the Western Electric Co., the guard service. We are under contract to them; with Kroger Co., with Locke Hardware Co., and several other companies where we furnish guards, night watchmen.

Senator CURTIS. May I ask a question there about the organization?

Mr. MOSIER. Yes, sir.

Senator CURTIS. In other words, you provide a sort of protective service that you charge individual citizens and businesses for; is that right?

Mr. MOSIER. That is correct, sir.

Senator CURTIS. But when you act officially, such as making arrests, you do so under the cloak of authority as a deputy sheriff?

Mr. MOSIER. That is correct, sir.

Senator CURTIS. Are all of your men deputy sheriffs?

Mr. MOSIER. Yes, sir.

Senator CURTIS. Every employee?

Mr. MOSIER. No; not every employee. We have several civilian employees, such as bookkeeper. But those we have driving out on patrol cars and working on jobs like that are deputy sheriffs or special deputy sheriffs.

Senator CURTIS. Are all your men subject to the directions and control of the sheriff?

Mr. MOSIER. That is right, sir. He can revoke their commission at will.

Senator CURTIS. That is all.

Mr. KENNEDY. In August of 1956, were you requested to provide some services for the Wilson Truck Line?

Mr. MOSIER. Yes, sir; I was. I was called by Mr. Bransford. My chief was called by Mr. Bransford.

Mr. KENNEDY. Mr. who?

Mr. MOSIER. Mr. Bransford. B-r-a-n-s-f-o-r-d.

Mr. KENNEDY. He called?

Mr. MOSIER. He has the insurance for the Wilson Trucking Line.

Mr. KENNEDY. They wanted some guards out there?

Mr. MOSIER. They wanted a couple of guards, yes, sir, to watch after the trucks at night.

Mr. KENNEDY. And you made arrangements to send guards out there?

Mr. MOSIER. Yes, sir. I sent two out there. I think that was on August 3.

Mr. KENNEDY. Who was attempting to organize the company at the time?

Mr. MOSIER. I understood it was the teamsters. I didn't positively know.

Mr. KENNEDY. Had there been a good deal of trouble with the teamsters in the Nashville area over the period of the past few years?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. So they wanted some guards on their property at the time the teamsters were attempting to organize?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. And you provided those guards?

Mr. MOSIER. I sent two men out there, yes, sir.

Mr. KENNEDY. How long did they remain out there?

Mr. MOSIER. They remained out there the night of August 3 and the night of August 4.

Mr. KENNEDY. Then were they taken off?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. For what reason?

Mr. MOSIER. Mr. Gourley, the acting sheriff at that time, called and wanted to know who the men were that were on the job out there.

Mr. KENNEDY. That is Everett Gourley?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. He was the acting sheriff?

Mr. MOSIER. He was the acting sheriff, after Sheriff Tom Cartwright died. He was delegated to take the office over as coroner.

Mr. KENNEDY. He had been coroner and under the law, when the sheriff dies, the coroner becomes sheriff, is that right?

Mr. MOSIER. That is right.

Mr. KENNEDY. And he became acting sheriff until a new election?

Mr. MOSIER. Yes, sir; he became sheriff.

Mr. KENNEDY. Now, what about Mr. Gourley?

Mr. MOSIER. Mr. Gourley said I would have to remove the two men that were out there. He wanted to know who they were. He said I would have to remove them from out there. I called the chief. He was at home at the time. I told him.

Mr. KENNEDY. Who was the chief?

Mr. MOSIER. Leo Lucarini. The chief called him, I think, and then Mr. Bransford—I can't think of the gentleman's name at the trucking company—

Mr. KENNEDY. Mr. Comer?

Mr. MOSIER. Yes, sir. They called and wanted to see if we could leave them. Finally Mr. Gourley said we could leave them overnight, but we would have to remove them.

Mr. KENNEDY. You had them out for one night as of this time, when you received the call?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. And he said you could keep them out there for one night longer?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. Wilson Truck Lines were paying for these men, were they not?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. And that is a service that the Belle Meade Police Department was supposed to provide. Why did he say he wanted those people removed? What did he explain to you as the reason he wanted those people removed?

Mr. MOSIER. He said that they had told him, although he didn't want to stick his neck out—

Mr. KENNEDY. Why didn't he want to stick his neck out? What was the problem?

Mr. MOSIER. I don't know, sir.

Mr. KENNEDY. He just said, "I don't want to stick my neck out."?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. Did he say anything about what was involved in this matter?

Mr. MOSIER. I imagine he didn't want to get into the labor end of it.

Mr. KENNEDY. Did he say that to you?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. That he did not want to get into a question of labor?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. And if there was labor violence, he didn't want to get involved?

Mr. MOSIER. That is right.

Mr. KENNEDY. Did he say also that people had been on his neck, and that there was pressure being put on him?

Mr. MOSIER. He said they had called him about the men that were out there on the job.

The CHAIRMAN. Who did he mean by "they"?

Mr. MOSIER. I don't know, sir. He sent two of his deputies out there to find out who the men were that were on the job. He didn't know if they were his men or what the men were at the time. So when his men came out there, they found out that my two men had deputy coroner's commissions, and that is when he called to find out about it, and have us pull the men off the job.

Mr. KENNEDY. What steps did he say he would take?

Mr. MOSIER. He said he would have to take up the cards if we didn't pull them off.

Mr. KENNEDY. He said if you didn't get the men out of there, he was going to withdraw the commission?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. So he felt very strongly about it?

Mr. MOSIER. I imagine so, sir.

Mr. KENNEDY. You gathered that?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. And you removed those guards then?

Mr. MOSIER. Yes, sir.

Mr. KENNEDY. They only stayed the one more night?

Mr. MOSIER. That is right.

Mr. KENNEDY. Had you had any complaints about them otherwise? Had they been involved in anything improper, or anything like that?

Mr. MOSIER. Complaints about who, sir?

Mr. KENNEDY. About these guards that were out there? Had they been performing their duties improperly or anything like that?

Mr. MOSIER. No sir, I had no complaints.

Mr. KENNEDY. Nobody said anything about that?

Mr. MOSIER. No, sir.

Mr. KENNEDY. It was just the fact that some people had called him and he wanted these people removed because he didn't want to get involved in a labor dispute or get involved where union violence might arise, is that right?

Mr. MOSIER. That is right.

Mr. KENNEDY. Did you tell Mr. Lucarini about the conversation?

Mr. MOSIER. Yes, sir. Mr. Lucarini had conversations also on that.

Mr. KENNEDY. Mr. Lucarini, Mr. Chairman, had a heart attack and was unable to come, but he has furnished an affidavit which I think suffices.

The CHAIRMAN. The Chair will read the body of the affidavit. It may be inserted in the record at this point in full.

I, Leo Lucarini, chief of the Belle Meade Police Department, on August 4, 1956, was advised by one of my officers, Lt. Andrew T. Mosier, that Acting Sheriff Everett Gourley had notified Mosier by telephone that the Belle Meade police guards would have to be pulled off the Wilson Truck Co. property. Mosier also related to me that he had been told by Gourley that the teamster officials from local 327 in Nashville were on his neck to remove the police guards from the Wilson Truck Co. property. I called Sheriff Gourley in reference to this problem and he advised me that I would have to pull the guards away from the strike area because he was afraid of becoming involved in a lawsuit. He stated that there had been some trouble between the pickets and the Belle Meade police guards the night before, and that some of the pickets threw rocks at the officers, and that he, Gourley, was afraid one of the officers might pull his gun and shoot a picket which would result in Gourley becoming involved in a lawsuit. I asked Sheriff Gourley if I should pull the men off immediately and leave the truck company without any protection, and he advised me to wait until the next morning. The next morning at my direction the two police officers were relieved from duty at the Wilson Truck Co. in Nashville, Tenn.

(Affidavit referred to follows:)

AFFIDAVIT

I, Leo Lucarini, who reside at 118 Windsor Drive, Nashville, Tenn., freely and voluntarily make the following statement to LaVern J. Duffy who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor Management Field. No threats, force or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee.

I, Leo Lucarini, chief of the Belle Meade Police Department, on August 4, 1956, was advised by one of my officers, Lt. Andrew T. Mosier, that Acting Sheriff Everett Gourley had notified Mosier by telephone that the Belle Meade police guards would have to be pulled off the Wilson Truck Co. property. Mosier also related to me that he had been told by Gourley that the teamster officials from local 327 in Nashville were on his neck to remove the police guards from the Wilson Truck Co. property. I called Sheriff Gourley in reference to this problem and he advised me that I would have to pull the guards away from the strike area because he was afraid of becoming involved in a lawsuit. He stated that there had been some trouble between the pickets and the Belle Meade police guards the night before, and that some of the pickets threw rocks at the officers, and that he, Gourley, was afraid one of the officers might pull his gun and shoot a picket which would result in Gourley becoming involved in a lawsuit. I asked Sheriff Gourley if I should pull the men off immediately and leave the truck company without any protection, and he advised me to wait until the next morning. The next morning at my direction the two police officers were relieved from duty at the Wilson Truck Co. in Nashville, Tenn.

I have read the foregoing statement, and to the best of my knowledge it is true and correct.

/s/ LEO LUCARINI.

Witnesses:

LAVERNE J. DUFFY.

LUCY C. TERRELL.

Sworn to and subscribed before me this 24 day of July 1957.

My commission expires November 27, 1960.

[SEAL]

/s/ NETTIE F. KINSEY, *Notary Public*.

The CHAIRMAN. Is there anything further?

Senator McNAMARA. Were you hired by the sheriff or by Mr. Lucarini?

Mr. MOSIER. Lucarini.

Senator McNAMARA. Who hired you?

Mr. MOSIER. Mr. Lucarini.

Senator McNAMARA. Mr. Lucarini hired you?

Mr. MOSIER. Yes, sir.

Senator McNAMARA. And he arranged for you to be deputized as a sheriff?

Mr. MOSIER. That is right, sir.

Senator McNAMARA. You were not a deputy sheriff before you took the job?

Mr. MOSIER. No, sir.

Senator McNAMARA. Do you receive any pay from the sheriff's office?

Mr. MOSIER. No, sir.

Senator McNAMARA. Your pay totally comes from this private police?

Mr. MOSIER. The Belle Meade Police Department, yes, sir.

Senator McNAMARA. Which is a private agency?

Mr. MOSIER. It is a private agency.

Senator McNAMARA. Do you know by what authority they operate? Do they have a charter or permit or something? They must have some authority to operate from the county or the city or something.

Mr. MOSIER. From the county.

Senator McNAMARA. From the county?

Mr. MOSIER. The sheriff's department. The sheriff commissions the police. We have several of these little private police departments around the Nashville area.

Senator McNAMARA. What is your duty mainly? To go around to individual householders and see that the doors are locked and the garages closed?

Mr. MOSIER. That is correct. People would subscribe to us where if they are leaving home and are going to be away from home for a week or 2 weeks, they give us a call and tell us how they are going to leave their home, and then our patrol cars go by. It is mostly a glorified night-watchman service.

Senator McNAMARA. How much do the individual householders pay?

Senator McNAMARA. \$18 a year?

Senator McNAMARA. 18 a year?

Mr. MOSIER. Yes, sir.

Senator McNAMARA. That is all, Mr. Chairman.

Senator CURTIS. How long have you been in this police work?

Mr. MOSIER. Ten years, sir.

Senator CURTIS. During that time, has this word come down from the sheriff's office to not get involved in crime and violence with any other group besides the unions?

Mr. MOSIER. No, sir.

Senator CURTIS. They never told you to lay off of children who might commit a crime?

Mr. MOSIER. I don't quite understand that, sir.

Senator CURTIS. What I mean is they have never picked out any other group, children or any profession or any nationality, or any businesses, and say, "Don't ever bother them"?

Mr. MOSIER. Only where the law is violated, we usually take that into our own concern.

Senator CURTIS. But this special direction, not to get involved in union violations is something that in your experience has only been carried out in reference to unions, is that right?

Mr. MOSIER. That is right, sir. I don't like to get into any kind of violence, if I can help it.

Senator CURTIS. But so far as you know, that was the only group that were permitted to live outside the law?

Mr. MOSIER. Which was the only group?

Senator CURTIS. The unions.

Mr. MOSIER. I imagine so, sir.

The CHAIRMAN. All right. Thank you very much.

Mr. KENNEDY. Mr. Everett Comer.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COMER. I do.

TESTIMONY OF EVERETT G. COMER

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. COMER. My name is Everett G. Comer; resident, 3703 Woodmont Lane, Nashville, Tenn. I am president and general manager of Wilson Trucking Co., home office in Nashville, Tenn.

The CHAIRMAN. You waive the right of counsel?

Mr. COMER. I do.

Mr. KENNEDY. Mr. Comer, you were having some problems with the teamsters union, were you, in 1956?

Mr. COMER. That is correct.

Mr. KENNEDY. And they went out on strike?

Mr. COMER. That is right.

Mr. KENNEDY. And you felt that you needed some guards to protect your property; is that right?

Mr. COMER. That is right.

Mr. KENNEDY. And you contacted the Belle Meade Police Department, Mr. Lucarini?

Mr. COMER. I believe the contact was made by one of our stockholders who in turn had Lieutenant Mozier get in touch with me.

Mr. KENNEDY. And guards were assigned in early August of 1956?

Mr. COMER. That is correct.

Mr. KENNEDY. Around the 2d or 3d of August of 1956?

Mr. COMER. Yes, the 3d, I think.

Mr. KENNEDY. Now, I understand from the previous witness that they only remained a couple of days, but I believe your records showed that they stayed about 10 days, the guards.

Mr. COMER. Yes. Our record based on payments to those guards, indicate that they were there from the 3d until the morning of the 12th.

Mr. KENNEDY. But anyway, at that time were you told those guards would have to be removed?

Mr. COMER. I was told by one of our supervisors who had been on duty at the warehouse the night of the 11th, a Saturday night, the 11th, that it appeared these guards would not be back. However, he had not been there all night himself and he said that I had better call McCloskey, who was the man who had been there all night and get the story. That I did.

Mr. KENNEDY. Will you recite that?

Mr. COMER. McCloskey reported that during the evening of Saturday two men who identified themselves as being from the sheriff's office had driven across the picket line and into our lot. Of course he went back immediately, not knowing who they were, to investigate. He asked them why they were there.

He was told that they wanted to talk to these two guards and wanted to know if there was any objection and he said "No." McCloskey said, "Well, I am also a commissioned deputy from the sheriff's office and if there is any trouble, I think that I can take care of it."

They said, "We would like to talk to them." So they talked to them and left. Later in the night, I believe it was reported sometime after midnight probably, that these guards received a telephone call from their office, which was the Belle Meade patrol.

The identity of the person calling was not known, but when this guard left the phone, he said it looked like they were not going to be able to return for duty the next night. He was asked why and he said, "Well, the sheriff called the office, the Belle Meade office, and told them that these men should be removed and in fact they would have to remove them."

The guard further stated that it was because the sheriff had said that if they did come back out there, he would have to cancel their

commissions. So I then got in touch with Lieutenant Mozier of the Belle Meade patrol and asked him what the trouble was, and he said, well, that was substantially correct. They had been ordered not to send those men back out there anymore. He wanted to know if there was anything I wanted him to do and I said, "No, I want to get in touch with acting Sheriff Gourley and see why he has put out such an order."

For 2 or 3 hours I was not successful in getting in touch with him. Shortly after noon, that was on Sunday, I did reach him at home. I asked him if he knew why I had employed those men and I wanted to explain to him that they were strictly on guard duty out there and that we had a fence now in front of the place, our protective fence, and that we had over \$2 million worth of brandnew equipment setting over there.

I explained that they were not employed as strikebreakers, nor to have anything to do with the picket line, but to protect that property, and as far as trouble with the union or picket line was concerned, I did not anticipate any because we were not trying to operate as employees would not cross the picket line and we were shut down 100 percent, so I did not anticipate any trouble with the picket line nor the union.

All I wanted was to protect that property, that it would be very easy for someone to slip into that lot and pour sirup into the engines and we would know nothing about it until we tried to start them again. I asked first, in the early part of the conversation, what the complaint was that I heard had been registered and who made it.

He said, well, all he could say was that there had been a complaint that they had interfered in some way with the picket line. I never learned who made the complaint.

I said to him, "Sheriff Gourley, anyone who says those men have had anything to do with that picket line at all, they are lying." He said, "Well, I can't help that, but we can't afford to have any trouble with these unions." He said, "A couple of years ago, during the rail strike, our office was severely criticized for some things that went on and we are just not going to take any part in these labor troubles."

I said, "Sheriff Gourley, I am not asking you to take any part in it. All I want is some guard service, and if you can't furnish it maybe I will have to make other arrangements. But I want to reiterate that I did not employ them or they were there strictly under my personal instructions to protect the property of Wilson Trucking Co. and that is all."

I hung up and I called Lieutenant Mozier back and told him that the sheriff had not given in and that I would have to make some other arrangements. Lieutenant Mozier agreed to assist me in getting other guards and getting them, maybe, out of the ranks of constables in the county over which the sheriff's office had no control.

I thanked him and told him that I thought I had a guard service organized within our supervisory personnel and that if I needed him I would call him back, which I did not.

MR. KENNEDY. So the sheriff, in other words, told you that you could not have guards to protect your property because there was a labor union involved; is that right?

Mr. COMER. Well, he didn't say that because the labor union was involved; he just said—

Mr. KENNEDY. Because there was a labor dispute?

Mr. COMER. Yes; that is right, and he couldn't afford to have any troubles with the unions.

Mr. KENNEDY. That is all.

Senator McNAMARA. I see you referred to this organization as the Belle Meade patrol, and the previous witness referred to it as the Belle Meade Police Department. What is the official name; do you know?

Mr. COMER. I believe it is now the Belle Meade Police Department and I believe when it was originally organized it was known as the Belle Meade patrol.

Senator McNAMARA. How large is this community, Belle Meade? What is the approximate population?

Mr. COMER. I don't know. It is really a part of Nashville. It is incorporated at this time; but, actually, I couldn't say.

Senator McNAMARA. It is actually part of Nashville?

Mr. COMER. It is one of the principal residential areas.

Senator McNAMARA. Of Nashville?

Mr. COMER. Yes, sir, of Nashville.

Senator McNAMARA. Then, is it normally covered by the Nashville Police Department?

Mr. COMER. No, it is outside the city limits.

Senator McNAMARA. They have no police department of their own?

Mr. COMER. No, other than this Belle Meade patrol.

Senator McNAMARA. Which is a private organization?

Mr. COMER. Yes.

Senator McNAMARA. So they depend totally on the sheriff's office for police protection?

Mr. COMER. Well, this area depends to some extent on the sheriff's office, those who don't subscribe to this privately operated organization.

Senator McNAMARA. If you do not subscribe to this privately operated patrol, or police force, then you are dependent upon the sheriff's office for police protection?

Mr. COMER. That is correct.

Senator McNAMARA. Do you now have an agreement with the teamsters union?

Mr. COMER. Yes, sir.

Senator McNAMARA. You are operating a union shop now?

Mr. COMER. Yes, sir.

Senator McNAMARA. For all of your employees? Are all of the truckdrivers members of the teamsters union?

Mr. COMER. Yes, sir.

Senator McNAMARA. That is all.

The CHAIRMAN. Thank you very much. Call the next witness.

Mr. KENNEDY. Mr. Gourley.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. GOURLEY. I do.

TESTIMONY OF EVERETT E. GOURLEY

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. GOURLEY. Everett E. Gourley, 2802 West Linden, Nashville, Tenn., and I sell automobiles, and also, I am coroner of Davidson County.

The CHAIRMAN. Do you waive the right to counsel?

Mr. GOURLEY. Yes, sir.

The CHAIRMAN. Under your laws of the State of Tennessee, if the sheriff dies or the office of sheriff becomes vacant, does the coroner automatically succeed to that office as acting sheriff?

Mr. GOURLEY. That is right.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Did you succeed to the office of acting sheriff on March 23, 1956?

Mr. GOURLEY. Yes, sir.

Mr. KENNEDY. You were sheriff then, or acting sheriff, in August of 1956 at the time of the difficulties between the teamsters and the Wilson Trucking Lines?

Mr. GOURLEY. That is right.

Mr. KENNEDY. Did you have some conversations with Lieutenant Mozier regarding the removal of the guards that had been stationed at the Wilson Truck Lines?

Mr. GOURLEY. I talked to someone out there and I don't remember who it was, before I talked to the chief. I talked to the chief about it later.

Mr. KENNEDY. Had you been approached by any teamster officials prior to that about removing the guards?

Mr. GOURLEY. No, sir.

Mr. KENNEDY. Did you tell Lieutenant Mozier that the guards must be removed?

Mr. GOURLEY. Yes, sir.

Mr. KENNEDY. You told him that the guards were to be removed, is that right?

Mr. GOURLEY. Yes, sir. I don't think that I said "must," and I said I thought it would be a good idea.

Mr. KENNEDY. You said if they were not removed their commissions would be lifted?

Mr. GOURLEY. No, sir.

Mr. KENNEDY. You never had any conversation like that?

Mr. GOURLEY. No, sir.

Mr. KENNEDY. The testimony to the contrary is not correct?

Mr. GOURLEY. I do not remember making that statement.

Mr. KENNEDY. Do you think that you might have made that statement?

Mr. GOURLEY. I could have, but I don't see where I would have because it was not necessary to make a statement like that if they removed them. They usually cooperate on those things.

Mr. KENNEDY. You understood that they would be removed when you gave the instructions?

Mr. GOURLEY. That is right.

Mr. KENNEDY. But you say that prior to the time that you ordered their removal, that you had not had any conversations with the teamsters officials?

Mr. GOURLEY. No, sir.

Mr. KENNEDY. For what reason did you order their removal?

Mr. GOURLEY. I just thought we were supposed to be—there had been no violence out there and we were the law-enforcing group in Davidson County and we had not heard from anyone in the Wilson Trucking Co. about there being any violence and I just thought that we would be better off and everybody would be better off or concerned in not having anyone go.

I knew we were within 3 minutes and we had men patrolling that place all of the time in a car, uniformed men, and I figured that would really have more effect than men in civilian clothes, anyway.

The CHAIRMAN. Did you call them off from other places? They had the Belle Meade Police Department or agency out there serving a lot of people. They had deputy sheriff commissions.

Mr. GOURLEY. That is right.

The CHAIRMAN. They were assigning them around to serve people wherever people wanted that service. Did you call them off anywhere else?

Mr. GOURLEY. No, sir; I did not know there was any others going on like that.

The CHAIRMAN. You knew what that department does out there?

Mr. GOURLEY. They had permission to patrol Belle Meade and look after homes and residences out there.

The CHAIRMAN. And property, that is the same thing as looking after a home, or looking after any other business, the same thing as looking after this property, was it not? There was not a bit of difference?

Mr. GOURLEY. It is probably under the same category.

The CHAIRMAN. But you called the others off?

Mr. GOURLEY. No, sir.

The CHAIRMAN. Why did you single out this one and call it off?

Mr. GOURLEY. I just thought it was the best thing to do.

The CHAIRMAN. Why did you think it?

Mr. GOURLEY. That was my better judgment.

The CHAIRMAN. That was your better judgment?

Mr. GOURLEY. Yes, sir.

The CHAIRMAN. What was your worst? You knew you called them off to appease somebody, and who was it?

Mr. GOURLEY. No, sir; I did not. There was no one approached me on it at all.

The CHAIRMAN. No one at all?

Mr. GOURLEY. No, sir.

The CHAIRMAN. How did you find out the guards were out there?

Mr. GOURLEY. There were a couple of deputies that went out to this place, and I suppose they talked to someone, and they called me about that night and asked me to come out there, and I went out and sat across the street about 30 minutes and watched them, and there was no violence and nothing going on wrong, and I just thought—

The CHAIRMAN. There is no violence out here on this street right now, and do you think the police ought to be called off? That makes sense, does it not? It is about the silliest thing I ever heard.

Proceed, Mr. Kennedy.

Mr. KENNEDY. According to the affidavit that we have from Mr. Lucarini, you told him that teamster officials had been on your neck to get these people out there and get these guards out of there.

Mr. GOURLEY. I don't remember making that statement.

Mr. KENNEDY. According to Mr. Mozier, who also testified, he testified to the same thing, and Mr. Comer testified to the same thing, and these are three different witnesses who all testified to the fact that you reported to them that there was pressure on you to get these people out of there and get these guards out of there.

Mr. GOURLEY. I don't remember making that statement.

Mr. KENNEDY. You made it, evidently, according to their sworn testimony and the sworn affidavit; you made it to three different individuals. You had a lot of trouble in that area, had you not?

Mr. GOURLEY. No, sir.

Mr. KENNEDY. You had not had a lot of trouble in Nashville area?

Mr. GOURLEY. Not while I was there.

Mr. KENNEDY. You had only been acting sheriff for a couple of months?

Mr. GOURLEY. That is right.

Mr. KENNEDY. Hadn't you had a lot of trouble in that area with the teamster violence?

Mr. GOURLEY. I was not familiar with it.

Mr. KENNEDY. What is that?

Mr. GOURLEY. I was not familiar with it.

Mr. KENNEDY. You were not familiar with it and you were acting sheriff and you did not know what trouble or difficulties they were having there?

Mr. GOURLEY. They were not having any when I was there.

Mr. KENNEDY. But you had only been sheriff for 2 months?

Mr. GOURLEY. That is the reason I was not familiar with it.

Mr. KENNEDY. You did not find out what was going on there, Mr. Gourley? You did not find out what had transpired in the past?

Mr. GOURLEY. That is the reason I didn't think there was any use of those men going out there.

Mr. KENNEDY. You just closed your eyes prior to the time that you took office as sheriff; is that right?

Mr. GOURLEY. No.

Mr. KENNEDY. Look at all of these acts of violence that took place in 1953, 1954, and 1955 to the middle of 1956. There were more than 100 in the Nashville area. You did not know anything about it?

Mr. GOURLEY. I did not know anything going on in 1956. I knew about the others. There wasn't any strike going on or any trouble when I was in there.

Mr. KENNEDY. You say you took over as acting sheriff and you did not know about any of the acts of violence, although there had been more than 100 in the prior 2 years, in the Nashville area, and you did not know anything about that? And despite the testimony of two witnesses and an affidavit of a third, that you took these guards off because of union pressure, you deny that, too?

Mr. GOURLEY. I don't remember making that statement. It could have been made in a conversation and not from the fact. I had not had any pressure but I might have been anticipating some.

Mr. KENNEDY. Why would you anticipate some?

Mr. GOURLEY. There could have been some, like I had read about in the past.

Mr. KENNEDY. What is that?

Mr. GOURLEY. The teamsters union, there could have been some violence brought up and I was just working at what I thought was the best thing to do.

Mr. KENNEDY. It does not make any sense at all.

Senator CURTIS. Do you know Perry Canaday?

Mr. GOURLEY. No, sir.

Senator CURTIS. Did you ever see him in your life?

Mr. GOURLEY. Not that I know of.

Senator CURTIS. Did you ever talk to him?

Mr. GOURLEY. No, sir.

Senator CURTIS. Did you ever receive a letter from him?

Mr. GOURLEY. No, sir.

Senator CURTIS. Did you ever have a telephone conversation with him?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know Bobby Marston?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have seen him?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have had a talk with him by telephone or otherwise?

Mr. GOURLEY. No.

Senator CURTIS. Do you know Sam Peters?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have seen him or heard of him?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never received a telephone conversation from him?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know C. B. Richardson, sometimes known as Shorty Richardson?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have seen him?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have talked to him?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never had a telephone conversation with him?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know Mr. Ed Smith?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know what office he holds in the local teamsters union?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have talked to him?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have received any communication from him whatsoever?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know Mr. W. A. Smith?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know a Smith referred to as "Hard of Hearing Smitty"?

Mr. GOURLEY. No, sir.

Senator CURTIS. Did you ever hear of him?

Mr. GOURLEY. I have seen in the papers in the last few days, I have read something about him.

Senator CURTIS. You have never seen him?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have had a conversation with him?

Mr. GOURLEY. No, sir.

Senator CURTIS. By telephone or otherwise?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know Mr. Ralf G. Vaughn, also known as "Red" Vaughn?

Mr. GOURLEY. I believe I met him downstairs a few minutes ago. I met someone down there. I believe that was his name.

Senator CURTIS. You talked with somebody downstairs?

Mr. GOURLEY. Just in the office down there and someone introduced me to him.

Senator CURTIS. Who introduced him to you?

Mr. GOURLEY. I believe Mr. Cartwright. No; I think he came up and talked with me and I think Mr. McShane was there when he came in. I think that was the man.

Senator CURTIS. That was Sheriff Cartwright who introduced you?

Mr. GOURLEY. I don't know whether he came up. He came up and shook hands with both of us and I didn't know who the man was at the time.

Senator CURTIS. That was in the committee office downstairs?

Mr. GOURLEY. That is right.

Senator CURTIS. The sheriff introduced you to "Red" Vaughn?

Mr. GOURLEY. No; I don't think he introduced him. He just came up and shook hands with me and he told me when he was gone, that that was his name.

Senator CURTIS. Had you ever seen him before?

Mr. GOURLEY. Not to my knowledge; no, sir.

Senator CURTIS. Did you ever talk to him on the telephone?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never received any communication from him whatsoever?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know Mr. Don Vestal?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never have seen him?

Mr. GOURLEY. No, sir.

Senator CURTIS. You never received a letter from him or a telephone conversation?

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know Mr. H. G. B. King, the attorney for the teamsters union?

Mr. GOURLEY. What is that name again?

Senator CURTIS. H. G. B. King.

Mr. GOURLEY. No, sir.

Senator CURTIS. Do you know any officers, agents or employees of the teamsters union in the Nashville area?

Mr. GOURLEY. I don't believe I know a one of them; no, sir.

Senator CURTIS. With whom did you talk about this matter of guards at the Wilson Trucking Co., before you proceeded to have the guards withdrawn?

Mr. GOURLEY. There were two deputies that worked with the sheriff's office who were out at this place, and they were the only ones I talked to.

Senator CURTIS. What were their names?

Mr. GOURLEY. One of them was Thompson and the other was Johnson.

Senator CURTIS. What is Thompson's first name?

Mr. GOURLEY. George Thompson.

Senator CURTIS. Where does he reside?

Mr. GOURLEY. He lives in Nashville. He works out of the sheriff's office there.

Senator CURTIS. He is still employed there?

Mr. GOURLEY. I believe so.

Senator CURTIS. What is Johnson's first name?

Mr. GOURLEY. I believe it is L. E. Johnson.

Senator CURTIS. Who else did you talk to about it?

Mr. GOURLEY. No one.

Senator CURTIS. Before you withdrew the guards.

Mr. GOURLEY. No one.

Senator CURTIS. Did anyone talk to you about it?

Mr. GOURLEY. No, sir.

Senator CURTIS. Did you receive any telephone conversation from anyone with reference to this matter, prior to the time that you called them off?

Mr. GOURLEY. No, sir.

Senator CURTIS. Did you ever tell anybody that the teamsters union wanted them called off?

Mr. GOURLEY. No, sir.

Senator CURTIS. You did not tell Mr. Mozier that?

Mr. GOURLEY. I don't remember making that statement. He seems to think that I did, and I could have.

Senator CURTIS. He says that you did.

Mr. GOURLEY. I don't remember making that statement and I don't know why I should because I certainly had not had any contact with them.

Senator CURTIS. Did you make that statement to Mr. Lucarini?

Mr. GOURLEY. Not that I know of. I don't remember if I did.

Senator CURTIS. Did you make it to Mr. Comer?

Mr. GOURLEY. I still don't remember making it to anyone. I don't see why I should have because there wasn't anyone who put any pressure on me about it.

Senator CURTIS. When you say you do not remember whether you did or not, does that mean that you might have?

Mr. GOURLEY. It could have happened, but I certainly don't remember it and I don't know why I should. I hate to see three men saying I did. If I did, I certainly don't remember it.

Senator CURTIS. Do you mean to leave the impression that you might have and you can't remember?

Mr. GOURLEY. I would rather not leave that impression; no, sir.

Senator CURTIS. What is that?

Mr. GOURLEY. I would rather not leave that impression.

Senator CURTIS. In other words, you are standing on the statement that the teamsters did not request or urge or insinuate?

Mr. GOURLEY. Absolutely, yes, sir.

Senator CURTIS. That those guards should be removed?

Mr. GOURLEY. Yes, sir.

Senator CURTIS. You think all three of these men are mistaken?

Mr. GOURLEY. Sir?

Senator CURTIS. You think all three of these men are mistaken?

Mr. GOURLEY. Well, I know they are mistaken, from my point of view. It did not happen, and I don't know why I should have said that.

Senator CURTIS. You realize they have said it under oath?

Mr. GOURLEY. Yes, sir.

Senator CURTIS. That is all.

Senator McNAMARA. How long have you been coroner?

Mr. GOURLEY. Since the first part of 1955.

Senator McNAMARA. About 2 years?

Mr. GOURLEY. Yes, sir.

Senator McNAMARA. Is this an elected office in your area?

Mr. GOURLEY. No, sir; it is an election from the county court and the county court elects the coroner.

Senator McNAMARA. You are elected by the county court?

Mr. GOURLEY. Yes, sir, the county court; you are elected to the county court by popular vote and the county court selects the coroner.

Senator McNAMARA. How many people enter into this selection?

Mr. GOURLEY. About 52 in the county.

Senator McNAMARA. They got together and elected you coroner?

Mr. GOURLEY. Well, I would not say "got together." They called a meeting and they had to elect someone, and so they selected me.

Senator McNAMARA. This was not an appointive job? You are actually elected by this group?

Mr. GOURLEY. That is right.

Senator McNAMARA. Does your authority cover the city of Nashville?

Mr. GOURLEY. It is Davidson County; yes, sir.

Senator McNAMARA. You cover the entire county?

Mr. GOURLEY. Yes, sir.

Senator McNAMARA. And that includes the city of Nashville?

Mr. GOURLEY. Yes, sir.

Senator McNAMARA. We have had some testimony here that the police department in the city of Nashville seemed to break down in many instances, particularly in reference to matters involving violence in labor disputes. Is it your impression that they did break down?

Mr. GOURLEY. I wouldn't know, sir.

Senator McNAMARA. Well now——

Mr. GOURLEY. I don't know what you mean.

Senator McNAMARA. You are the sheriff and this area is under your control and under your authority and you should know.

Mr. GOURLEY. That was at that time, from March through August of 1956.

Senator McNAMARA. You do not know whether the local police authority broke down or not?

Mr. GOURLEY. During that particular period, as I remember it, there was very little happening in the union affairs or teamster union things.

Senator McNAMARA. You think it functioned properly, the police department in Nashville, that was under your jurisdiction in the area?

Mr. GOURLEY. The whole county was under the sheriff. However, the city usually run their part of it, and the sheriff runs the county and they did not interfere with each other as a rule.

Senator McNAMARA. They do not interfere, but the theory of it, at least, is when the local police department breaks down, you are supposed to take over; is that not right?

Mr. GOURLEY. Yes.

Senator McNAMARA. But you did not feel that it broke down to that extent?

Mr. GOURLEY. No, sir.

Senator McNAMARA. You had no indication to move in there at all?

Mr. GOURLEY. No, sir.

Senator McNAMARA. All right; that is all.

Senator CURTIS. How many members are on there, on the county court?

Mr. GOURLEY. Fifty-two, I believe.

Senator CURTIS. Do you know most of them?

Mr. GOURLEY. Yes, I know them all.

Senator CURTIS. And they are elected?

Mr. GOURLEY. Yes, sir.

Senator CURTIS. Are they elected by districts or by the entire county?

Mr. GOURLEY. Districts.

Senator CURTIS. Did you ever have a conversation with any member of the county court in reference to any matter relating to the teamsters union?

Mr. GOURLEY. No, sir.

Mr. KENNEDY. Was there a policy in the sheriff's office not to get involved in labor disputes?

Mr. GOURLEY. Well, I believe so, yes, sir.

Mr. KENNEDY. And would that be the reason that these guards were removed?

Mr. GOURLEY. I guess that would be about as good a reason as I could think of.

Mr. KENNEDY. Well, isn't that the reason?

Mr. GOURLEY. I would think so, yes, sir.

The CHAIRMAN. Stand aside.

Call the next one.

Mr. KENNEDY. Mr. Cartwright.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. CARTWRIGHT. I do.

TESTIMONY OF TOM D. CARTWRIGHT

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. CARTWRIGHT. My name is Tom B. Cartwright; I am sheriff of Davidson County and I reside on Cleary Road, Davidson County.

The CHAIRMAN. Do you waive counsel?

Mr. CARTWRIGHT. Yes, sir.

The CHAIRMAN. I did not get your occupation.

Mr. CARTWRIGHT. I am sheriff.

Mr. KENNEDY. Mr. Chairman, I would like to say before we start the interrogation of this witness that his reputation is very good in the Nashville area.

You just took over as sheriff, I believe, during 1956, is that right?

Mr. CARTWRIGHT. September of 1956, yes.

Mr. KENNEDY. You have been only in for a period of approximately a year, is that right?

Mr. CARTWRIGHT. That is right.

Mr. KENNEDY. He has cooperated with the staff of the committee.

The CHAIRMAN. The committee expresses its appreciation to you, sir, for your cooperation and the help you have given.

Mr. KENNEDY. I want to ask you about the policy of the sheriff's office regarding labor disputes, but specifically as far as the Belle Meade Police Department. Was there any policy regarding their furnishing guards to firms or companies that were involved in labor disputes? Has there been a policy?

Mr. CARTWRIGHT. Yes, sir, there was a policy of my father who I succeeded as sheriff when he expired, and that was to the effect to not interfere in any labor difficulties unless there was violence. When I campaigned for office, not only when I addressed labor groups, but also management groups, I stated the same policy.

So far, it has been a pretty good one, since my term of office. We haven't had any labor violence to speak of, as far as picket lines and things of that nature.

Mr. KENNEDY. But if a company wishes guards furnished to them because of the fact that they anticipate difficulties or anticipate violence, it has been the policy that you have followed, and the policy that was followed by your predecessors, that you would not get involved, is that right?

Mr. CARTWRIGHT. That is correct. If they asked for guards before any labor violence, or strikes, rather, or anything like that, of course it was granted. After the deputies were on the premises, if there should be labor trouble, we didn't—at least, I don't yank them off right then.

Mr. KENNEDY. You have had a great deal of difficulty in the Nashville area, have you not, in the last 3 or 4 years regarding labor violence?

Mr. CARTWRIGHT. Yes, sir.

Mr. KENNEDY. Would you feel that possibly a good deal of that could have been avoided if there had been greater police protection for the firms, companies, individuals involved?

Mr. CARTWRIGHT. It might have been avoided, but by the same token, I think possibly it might have encouraged more also.

Mr. KENNEDY. What is the main reason, the primary reason, that you do not furnish protection when labor unions are involved?

Mr. CARTWRIGHT. Possibly, you might say, self-preservation. I don't know.

Mr. KENNEDY. Is that another word for politics?

Mr. CARTWRIGHT. That would be one reason, yes, sir, and the other reason would be for financial reasons. Any deputy sheriff, his actions, of course, the sheriff is responsible for them. Even now I have three law suits against me because of some actions of a deputy sheriff.

Mr. KENNEDY. That would be a problem no matter what you did, whether it was involving a labor union or otherwise?

Mr. CARTWRIGHT. Yes, sir.

Mr. KENNEDY. So that difficulty would always exist?

Mr. CARTWRIGHT. That is right.

Mr. KENNEDY. Would the primary reason be because of the political difficulties?

Mr. CARTWRIGHT. Up to a point, yes, sir.

Mr. KENNEDY. If there was actual violence, then that would be secondary?

Mr. CARTWRIGHT. If there was actual violence, regardless of political reasons or anything else, we would have to step in. I might say, too, that we found this to be successful, we, meaning myself: When there is a picket line, I send a lieutenant on each of my shifts to go out and talk to pickets themselves and explain to them what we expect and what we want. So far we have had very good cooperation.

Mr. KENNEDY. That might have been true, of course, since you have taken over.

Mr. CARTWRIGHT. That is all I can speak of.

Mr. KENNEDY. But if the same type of policy was followed by your predecessors for 3 or 4 years, it was not successful, because certainly the record shows there was tremendous violence, with beatings, dynamitings that have taken place in the Nashville area. It would seem that a good deal of responsibility is the law enforcement agency.

Mr. CARTWRIGHT. There is one thing that I would like to sort of bring out that possibly a lot of people have overlooked. We have about 10 times greater an area in the county than in the city and we also have a larger population. We have about 14 or 15 men on a shift. Our patrol is 60 men, and that includes everyone. The city has approximately 360. We are sort of handicapped, not only on manpower, but on experience, too.

Mr. KENNEDY. Well, of course, the primary responsibility, as you point out, is the police department of the city.

Mr. CARTWRIGHT. The city, do you mean?

Mr. KENNEDY. Within the city limits, certainly the primary responsibility is the police department rather than the sheriff's office.

Mr. CARTWRIGHT. We have to do that almost because of physical reasons.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any questions?

All right, you may stand aside. Thank you.

The committee will stand in recess until 2 o'clock.

(Members of the select committee present at time of recess: Senators McClellan, McNamara, and Curtis.)

(Whereupon at 12:05 p. m., the committee recessed to reconvene at 2 p. m., of the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Committee members present upon reconvening for the afternoon session; Senators McClellan and McNamara.)

Mr. KENNEDY. Mr. Chairman, we have some representatives here from the municipality of Knoxville that requested permission to testify. They are here in the room. I would like to call them.

The CHAIRMAN. Are those the two who requested yesterday?

Mr. KENNEDY. That is correct.

The CHAIRMAN. Have them come forward.

All of you come up and be sworn, please.

Do you and each of you solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KIMSEY. I do.

Mr. SWANNER. I do.

Mr. DYKE. I do.

TESTIMONY OF JOSEPH KIMSEY, W. D. SWANNER, AND ELMER DYKE

The CHAIRMAN. Gentlemen, each of you state your name, your place of residence, and business or occupation for the record.

Mr. DYKE. Elmer Dyke, deputy police, Knoxville, Tenn.

Mr. SWANNER. W. D. Swanner, lieutenant of police, Knoxville, Tenn.

Mr. KIMSEY. Joseph Kimsey, chief of police, Knoxville, Tenn.

The CHAIRMAN. Gentlemen, you are appearing here by request, is that correct?

Mr. KIMSEY. I am by request; yes, sir.

The CHAIRMAN. I mean at your request.

Mr. KIMSEY. My director asked me to come up here. My director asked me to, the police commissioner.

The CHAIRMAN. You have not been subpoenaed?

Mr. KIMSEY. No, sir.

The CHAIRMAN. Your presence was not requested by the committee. You are, therefore, a voluntary witness before this committee.

Mr. KIMSEY. Yes, sir; I am.

The CHAIRMAN. Is that correct?

Mr. KIMSEY. Yes, sir.

The CHAIRMAN. You are appearing voluntarily before the committee?

Mr. DYKE. Yes, sir.

The CHAIRMAN. Under the rules of this committee, if one is aggrieved by testimony that may have been given that he thinks may

reflect upon him, he has the right to request to appear and make a statement under oath to the committee. These gentlemen, as I understand it, are on the police force in Knoxville, Tenn. We have had some testimony before this committee that in my judgment, if true, would reflect upon the efficiency and effectiveness of that police force.

So, gentlemen, the committee is very glad to welcome you. We will hear whatever you may wish to say. We will proceed.

Which one is the senior?

Mr. KIMSEY. I am, sir.

The CHAIRMAN. You are who?

Mr. KIMSEY. Joe Kimsey.

The CHAIRMAN. All right; we will hear you first, Mr. Kimsey.

Mr. KIMSEY. Gentlemen, the way I understood it was that we had heard some reflection from some witnesses up here in regard to our investigating some cases of labor trouble in Knoxville. I just wondered if there was anything we could help you do, or any questions that I might be able to answer. I brought two men with me that were responsible for the investigation, who are immediately in charge of the investigation. One of them is under the chief of detectives, who is not here. I just wondered if there is anything you would like to ask me, as chief of police, or the other two gentlemen, that we might be able to help you on.

The CHAIRMAN. Is that the statement you wish to make?

Mr. KIMSEY. Yes, sir.

The CHAIRMAN. Thank you very much.

What is your statement?

Mr. SWANNER. Senator, I noticed in the paper that there was some question as to why William Reynolds, of the Knoxville teamsters, was not arrested or questioned, or something to that effect. I want to offer this as our reason for not doing so.

First of all, the only evidence that we obtained that Mr. Reynolds was connected in any way with this thing was the fact that he was an agent or an official in the teamsters union, and he appeared at Mr. Powers' store the day before, I believe it was, and after a load of Coca-Cola had been delivered there. The conversation that Mr. Powers told me that passed between the two of them was that Mr. Reynolds told him that he was Reynolds of the teamsters, and that the teamsters were on strike, and requested or told him not to take Coca-Colas. So Mr. Powers said that he was somewhat upset about it, and became angry, and he said he told him he didn't need anybody to tell him what he could put in his store.

Then Mr. Reynolds, according to Mr. Powers, said, "Well, now, you may be sorry for that." In substance, that is what he said, or, "We will get even," or something to that effect.

I asked Mr. Powers; I said, "Well, sir, do you consider that a threat?" To which Mr. Powers said, "I don't know whether he meant it for a threat or whether he intended it to mean that some of the people in the neighborhood might stop trading with my store."

So this, as I said, was the evidence that we had that Mr. Reynolds was connected, if there was any connection, with the blast.

The reason we didn't arrest Reynolds and question him was because of this fact. We had no other evidence at that time to connect him with the blast. We had no one, a witness or otherwise, who saw him

at the scene. At least, we never found any such witness. So, we thought it was better not to apprehend Mr. Reynolds or to intervene at that time, because we wouldn't have had anything to talk to him about.

Just the fact that we brought him down to question him, we could only ask him, "Did you talk to Mr. Powers," and "Where were you on the night of the blast?"

In investigative procedure, you have to have more than that to question a person. That is, if you do a good job of it. If you want to lead him to believe, you have to have something to put before him. In other words, if he was in the vicinity, if he was carrying a package, or someone got his license number, if those things could be placed before him, then he realizes that we do have evidence and perhaps we will get information that way. That was one reason.

The other reason was that I went to the attorney general of Knox County, Mr. Hal Clements, and I explained to him about the witnesses, Hargis and Chapman, and what they told me. He called the attorney general in Nashville and tried to arrange for us to go over with these witnesses to interview Mr. Smith and the other man, Belcher. But, some way or other, that didn't work out.

Then, later, I talked with the special prosecutor that was hired in the case, a prominent Knoxville lawyer, and arranged for these witnesses, Hargis and Chapman, to be there in his office. Mr. Hargis came up to his office and the special prosecutor questioned him and talked with him for about 35 or 40 minutes, maybe longer. Then I told the special prosecutor what Mr. Chapman had said, inasmuch as Mr. Chapman was not there himself.

With the information I furnished him, I later asked if he thought we had enough to make an arrest, and he said he didn't think so.

That is, in substance, why, at this time—we kept hoping that with \$14,000 reward posted, I believe that was the amount, though it kept increasing—this started out with \$5,000, I believe, and they kept upping it until they got up to \$14,000. I believe, in total—we hoped that that would bring in some witness or someone that could connect the thing, put in the final link that we needed, which never appeared. We never found that witness.

Also, I might say in that connection that we had telephone calls. Apparently someone was anticipating who we were going to talk to and they would call in advance and have some conversation with the person. Of course, they were anonymous calls. They would never tell who they were. They would advise them not to talk to the police department. So we had difficulties like that. I don't know how many cases like that happened, but we certainly had one that I know of, and there may be others that people never told us about. But, in substance, that is why Mr. Reynolds was never brought in.

Of course, the other reason was if we had brought him in, and had to release him without charges, there was the possibility of civil action in the way of false imprisonment which might have resulted, in which case the officer would have had to foot the bill. The city does not supply funds for suits of that kind. In the event we would have won the case, we would still have had to hire lawyers, and court reporters, and transcripts and so forth, and then possibly appeals through the court of appeals and the Supreme Court. That was the other reason.

With regard to Mrs. Freels, who was, I believe, a stenographer at the teamsters union, we interviewed her, Captain Harry Huskison and Mr. George Hunter, of the Purity Packing Co., and myself. I asked Mrs. Freels if she was willing to testify as to what she knew about it, and she said she was not, that she didn't want to get mixed up in it. So we played on her. We told her that there was this large reward, and that it would well compensate for the trouble we knew she had to go to, but she still insisted she didn't want to be mixed up in it.

Then I said to her, I said, "Mrs. Freels, if you won't tell us, if you won't be a witness, will you talk to us confidentially, on a confidential basis" hoping, of course, that we would obtain some information that way which would lead us to something else.

She said, "I will, on a confidential basis."

She did. She told us about Reynolds and Mr. Payne discussing some dynamite. I believe Payne asked Reynolds what he got that \$50 for, and Reynolds said, "You must be losing your mind, or you can't remember anything. That was for that dynamite I bought." That was about the substance of what Mrs. Freels said.

The CHAIRMAN. Did she tell you about him calling Smith and getting him down there?

Mr. SWANNER. I beg your pardon, sir?

The CHAIRMAN. Did she tell you about them calling Smith up in Nashville and getting him down there?

Mr. SWANNER. She said that Smith and Reynolds both, when they had a job in Knoxville, Smith would come over to Knoxville. She didn't know whether he did the job or not, of course. But she said he would show up around Knoxville.

The CHAIRMAN. But the job was always done?

Mr. SWANNER. The job was nearly always done.

Mr. KENNEDY. Did she refuse to testify or just say that she didn't want to testify? She didn't actually refuse to testify?

Mr. SWANNER. She told me at the time, she said, "I am sick." I believe she said she had been in the hospital. I am not positive, but she said she was ill, and was just recuperating, and wasn't feeling very well.

As I recall, she said, "I don't want to get mixed up in it." That was the words she said.

The CHAIRMAN. Do you always excuse witnesses when they say they would rather not testify? Is that all it takes?

Mr. SWANNER. No, sir. But she wouldn't talk. She told us she wouldn't.

(At this point Senator Curtis entered the hearing room.)

The CHAIRMAN. A witness may say they won't talk, but you have ways of subpoenaing them before a grand jury, don't you, and giving them an opportunity to talk there or being subpoenaed before a court?

Mr. SWANNER. Yes, sir. But I thought she would give us some leads or something.

The CHAIRMAN. She did give you some leads?

Mr. SWANNER. That is true.

The CHAIRMAN. Did you check up on the dynamite?

Mr. SWANNER. Yes, sir.

The CHAIRMAN. Where did he buy it?

Mr. SWANNER. I don't know.

The CHAIRMAN. Where did you check?

Mr. SWANNER. The dynamite we thought was 60 percent nitro manufactured by Austin. We based that on the conclusion of evidence we found at Bush Bros. Packing Co. at Chestnut Hill, Tenn., where there was 50 sticks of dynamite that failed to explode.

The CHAIRMAN. When did this dynamiting occur?

Mr. SWANNER. Chestnut Hills? That was September 1, 1956.

The CHAIRMAN. Is that the dynamiting of Powers' store, September 1, 1956?

Mr. SWANNER. No, sir. That was the Bush Bros. Canning Co. at Chestnut Hill, Tenn.

The CHAIRMAN. When was the store dynamited?

Mr. SWANNER. The 6th of September.

The CHAIRMAN. The 6th of September 1956?

Mr. SWANNER. Yes, sir.

The CHAIRMAN. How many grand juries have you had in session since then?

Mr. SWANNER. I don't recall, sir. I believe there are three sessions during the term.

The CHAIRMAN. Sir?

Mr. SWANNER. I believe they have three sessions of the grand jury in each year—calendar year.

The CHAIRMAN. Well, you had at least three grand juries since then, haven't you?

Mr. SWANNER. Yes, sir.

The CHAIRMAN. Have you ever had Smith before the grand jury to explain what he was doing down there at that time?

Mr. SWANNER. I presented that, sir, to the attorney general. He would have the authority to bring Smith in, or subpoena him.

The CHAIRMAN. Then who do you blame for not doing it? The attorney general?

Mr. SWANNER. No, sir. I don't blame anyone.

The CHAIRMAN. You think it is all right?

Mr. SWANNER. I did my job the best I could, I thought.

The CHAIRMAN. All right.

Do you have a statement?

Mr. DYKE. Yes, sir. My statement is in regard to the bombing of Powers.

Mr. KENNEDY. Before you proceed, I have another question.

Did you write up Mrs. Freels' interview?

Mr. SWANNER. She wouldn't sign any statement. I took down some notes.

Mr. KENNEDY. Did you ever make a memorandum for the file?

Mr. SWANNER. No; I did not.

Mr. KENNEDY. So the information which she gave you which might pertain to cases other policemen were working on was not available to them?

Mr. SWANNER. She requested it be made confidential and that is the way I made it.

Mr. KENNEDY. Don't you have an arrangement in the police department where you say the informant is confidential, but you give the information so that it is available to your fellow police officers?

Mr. SWANNER. No. Confidential information of that type I always keep with me in my own file.

Mr. KENNEDY. She didn't refuse to give it, did she? She just said she would rather not get involved. She did not refuse?

Mr. SWANNER. She said she would rather not get involved. She said she was sick, didn't feel well, and she was scared.

Mr. KENNEDY. That was enough for you not to follow up or not even write a memorandum?

Mr. SWANNER. I had a memorandum.

Mr. KENNEDY. Just for yourself?

Mr. SWANNER. Yes, sir.

Mr. KENNEDY. But nobody else?

Mr. SWANNER. No, sir; because it was a confidential thing, and I treated it as such.

Mr. KENNEDY. W. A. Smith was identified by two people as being at the scene of the dynamiting just prior to the dynamiting taking place. Did you interview W. A. Smith?

Mr. SWANNER. No, sir. We tried to make arrangement. As I said before, we went to the attorney general and presented the thing, and he tried through Mr. Carlton Loser, then attorney general of Davidson County, to arrange a meeting, and such arrangement was never made.

Mr. KENNEDY. So for some reason down there, W. A. Smith, who was identified at the scene of the dynamiting, was never interviewed by any police official or law-enforcement agency? That is, in connection with this dynamiting.

Mr. SWANNER. Mr. Kennedy, he doesn't live in our political jurisdiction. We live in Knox County. Davidson County is 198 miles west. Of course, we have no authority in Davidson County at all, no more than any private citizen. We had to rely on whatever help we could get from the Davidson County authorities.

The CHAIRMAN. Did they refuse to help you?

Mr. SWANNER. Sir, I can't answer that. I didn't talk to him. Mr. Clements, the attorney general, talked to them on the telephone long distance.

The CHAIRMAN. You mean a man who goes from one county to another in Tennessee is just immune?

Mr. SWANNER. No, sir.

The CHAIRMAN. I don't understand it.

Mr. SWANNER. I mean that in order to make an arrest, an officer in another county has to have a warrant. Some one has to swear out a warrant for him and transmit the warrant to that particular locality where the warrant can be served.

Mr. KENNEDY. Did you make any arrangements to have that done?

Mr. SWANNER. I left it up to the attorney general.

Mr. KENNEDY. Do you think W. A. Smith should have been interviewed, that it should have been followed up?

Mr. SWANNER. I think Smith should have been brought down and we should have had an opportunity for these witnesses to look at him. That is what we wanted to do.

Mr. KENNEDY. Do you think somebody made an error in judgment or something worse than that, by the fact that you were not allowed to follow up?

Mr. SWANNER. I don't want to condemn anyone else for anything they do.

Mr. KENNEDY. There is something wrong in the handling of the case if you were not allowed to confront W. A. Smith; is that right? Would you say that is right?

Mr. SWANNER. I don't know what reasons they had in Davidson County because Attorney General Clements didn't know, I don't think.

Mr. KENNEDY. Somewhere there was an error made. Somebody did not follow up this matter completely, isn't that right?

Mr. SWANNER. As far as I am concerned, I think I did the best I could.

Mr. KENNEDY. I am not talking just about you. Isn't it true that somebody somewhere did not follow up this case as it should have been followed up?

Mr. SWANNER. It seems that may have been true; yes, sir.

Mr. KENNEDY. People in the store at the time Mr. Reynolds and Mr. Powers had this discussion, were the rest of the people in that store interviewed?

Mr. SWANNER. I wish you would repeat that, sir.

Mr. KENNEDY. Were the people that were present in the store at the time Mr. Reynolds and Mr. Powers had this altercation interviewed?

Mr. SWANNER. No. The only one I talked to about that was Mr. Powers, and he told me what happened. I had no reason in the world to doubt what he said.

Mr. KENNEDY. But anybody else that was present during this discussion was not interviewed; is that right?

Mr. SWANNER. Not that I recall, sir.

The CHAIRMAN. All right, Captain Dyke.

Mr. DYKE. The only thing I would like to say is in regard to the night that Mr. Powers was bombed out there, dynamite thrown in front of it. I went out there with a crew of men, a squad of men, and saw Mr. Powers at the door. I asked him what had happened, and he wanted to know was my name Elmer Dyke. I told him "Yes," it was. He cursed and walked back in the store. He told me to get away from there. I followed him back in the store and tried to ask him again about the matter, and he cursed me viciously and ordered me to leave and take the officers with me. That is the kind of cooperation we got from Mr. Powers.

Mr. KENNEDY. Was that the end of the matter, or did he talk to those police officers at a later time.

Mr. DYKE. He didn't talk to any police officer while I was there except Officer Lopetti and Officer Swanner.

Mr. KENNEDY. Did he talk to Officer Swanner?

Mr. DYKE. That I couldn't say.

Mr. KENNEDY. You don't know whether he was interviewed again later by Officer Swanner?

Mr. DYKE. I don't know anything about that.

Mr. KENNEDY. All he said was that he wouldn't talk to you?

Mr. DYKE. He ordered me personally from the premises.

Mr. KENNEDY. Possibly he would talk to other police officers or other police officials, but he would not talk to you; isn't that possible?

Mr. DYKE. That may be so, but he ordered me to leave and take all my men.

Mr. KENNEDY. Was there anything between you and Mr. Powers?

Mr. DYKE. As far as I was concerned there wasn't anything. I had arrested his son.

Mr. KENNEDY. You arrested his son?

Mr. DYKE. Yes, sir.

Mr. KENNEDY. Had he felt rather bitterly about that?

Mr. DYKE. Yes, sir.

Mr. KENNEDY. Then it would be very possible that the man that arrested his son he did not want to be in charge of the investigation in this case.

Mr. DYKE. I was an officer out to answer the call.

Mr. KENNEDY. I understand that, but as I understand the record, from his testimony, and as I understand Mr. Swanner's testimony, he gave full cooperation after that. He was interviewed and furnished the witnesses to Mr. Swanner and gave his help and assistance but he did not want to talk to you because he felt that his son had been wronged and you had been responsible. I am not getting into the merits of that one way or another. You came up and volunteered to appear. As I understand, that is the background of the situation; is it not?

Mr. DYKE. I was there before Lieutenant Swanner arrived. If he had cooperated with us a little more fully, it is entirely possibly——

Mr. KENNEDY. He did cooperate, I understand. He cooperated and full interviews were conducted. They came back and saw him again. You don't have any information to the contrary; do you?

Mr. DYKE. Not about that part. I am talking about my part.

Mr. KENNEDY. The only part you know anything about is what he felt about you personally?

Mr. DYKE. And my entire squad of men that I had out there, some 15 or 16 men.

The CHAIRMAN. Are there any questions?

Senator McNAMARA. Yes; I have a question or two. I would like to ask the lieutenant a question. Did anyone make any charges or request the arrest of Mr. Reynolds?

Mr. SWANNER. I wish you would restate your question, please, sir.

Senator McNAMARA. I can't hear you.

Mr. SWANNER. I wish you would restate the question, please, sir.

Senator McNAMARA. Did anybody make any charges or request the arrest of Mr. Reynolds to you or to your department?

Mr. SWANNER. No, sir.

Senator McNAMARA. Nobody asked you, nobody said they would sign a warrant for his arrest?

Mr. SWANNER. No, sir; not to me they didn't.

Senator McNAMARA. How about Mr. Smith?

Mr. SWANNER. Mr. Smith?

Senator McNAMARA. Did anybody make a request of you that he be arrested and they would make charges and sign a warrant?

Mr. SWANNER. As I said, I took that to the attorney general and he tried to arrange the——

Senator McNAMARA. Aside from the attorney general, were you requested in your position as a lieutenant of the police department, to arrest either Mr. Reynolds or Mr. Smith by some citizen who said he would file charges and follow it up, and sign a warrant?

Mr. SWANNER. Not that I recall; no, sir.

Senator McNAMARA. Then the answer is "No," you were not requested?

Mr. SWANNER. I don't recall anybody.

Senator McNAMARA. Wouldn't you recall it now in the light of the developments? Don't you think you would recall if somebody wanted to swear out a warrant for his arrest, whether you cooperated or didn't? Wouldn't you know that?

Mr. SWANNER. Well, sir, there were so many things happening during that time, and so many complaints came in, and so many types and so forth, that we checked out, there could have been somebody that asked, but I don't recall it.

As I said, I carried this information to the special prosecutor who I assume was hired by either somebody interested in the case, and he had full facts and full information in regard to the thing. I laid it before him. I assume that if he wanted a warrant, he had the facts before him to get it, and to tell his client, whoever he was, what they were.

Senator McNAMARA. You never had that request from anybody that you recall? You probably recall it—

Mr. SWANNER. I don't recall anybody. There could have been, but I don't recall.

Senator McNAMARA. That is all.

The CHAIRMAN. Are there any questions, Senator Curtis?

Senator CURTIS. No, Mr. Chairman.

Mr. KENNEDY. As I understand it, there were some statements made regarding the arrests in the Knoxville area.

Mr. KIMSEY. Yes, sir. I would say in my 30 years I couldn't be positive about that, but there have been around 100 in different strikes. We have never refused. I have always sent police out to guard the places, around the manufacturing company and other places. Where they expect trouble and they call me, I immediately put them out there.

Mr. KENNEDY. I believe you had 4 in 1956.

Mr. KIMSEY. Yes, sir; the record shows four then. I recall four of them.

Mr. KENNEDY. Four in 1956?

Mr. DYKE. That was four dynamitings.

Mr. KENNEDY. Were any of those teamsters?

Mr. KIMSEY. No, sir; 2 of them telephone employees and 1 of them was 2 brickmasons.

Mr. KENNEDY. We had connected with the teamsters in the Knoxville area, just looking at the chart, some 15 acts of violence in the Knoxville area, including 4 dynamitings. Were any arrests made in connection with those, in 1956?

Mr. KIMSEY. Not to my knowledge, no, sir.

Captain Huskison and Lieutenant Swanner was assigned by the chief of detectives in the detective bureau on the dynamiting cases. They worked on it for some time diligently. They were out of town several times.

Mr. KENNEDY. Four of them are dynamitings and there were sirupings of trucks and shootings, and window breakings. Were there any arrests in connection with any of those?

Mr. KIMSEY. I believe just two of those were inside the city in our jurisdiction.

Mr. KENNEDY. Are those four arrests that you included in 1956 all within the jurisdiction of Knoxville?

Mr. KIMSEY. She just handed me——

Mr. KENNEDY. Did your people make all the arrests of those four?

Mr. KIMSEY. Two of them I am sure of, and I think we just assisted in two of them.

Mr. KENNEDY. Were they in the city of Knoxville.

Mr. KIMSEY. Yes, sir.

Mr. KENNEDY. Could I see them, please?

(Documents handed to committee counsel.)

Mr. KENNEDY. I see the first one the subjects were apprehended by the special agent for the Southern Railway and Tennessee Highway Patrol.

Mr. KIMSEY. That was outside the city, too.

Mr. KENNEDY. So 1 of these 4 was outside the city?

Mr. KIMSEY. Yes, sir.

Mr. DYKE. That was a shooting.

Mr. KENNEDY. And then this next one is arrested by the sheriff's office?

Mr. KIMSEY. We were in on that one, that was within the city. That was a telephone strike.

Mr. KENNEDY. And the next 2 are what?

Mr. KIMSEY. We furnished the evidence in that arrest there, in the telephone strike, part of a dynamiting in connection with a telephone pole.

Mr. KENNEDY. These other acts of violence in 1956 were in the Knoxville area, and whether they were right in the city or in the surrounding area I don't know?

Mr. KIMSEY. That is about 50 or 60 miles from there, the one he is talking about, but those 2, Powers and the freight lines, were right in the city and so was the telephone company.

The CHAIRMAN. Thank you very much, gentlemen.

Mr. DYKE. I would like to say before we go, we have been sent out on a lot of labor troubles down there, and we have sent men out, and they are sent out with this idea in mind, that if there is a violation of the law, we will arrest regardless of who they are. We have been charged by the teamsters, and by other organizations down there with being strike breakers, and being "Joe Kimsey's Kossacks," and Joe Kimsey's strong men to break strikes and so on. That is not true either, but we are out there trying to do a job.

The CHAIRMAN. The Chair speaks only for himself, gentlemen. I know that law-enforcement officers have a tough job. I know sometimes they are criticized unjustly. I also know that there are instances where law-enforcement officers don't pursue these matters with diligence, and vigilance.

You have a bad situation down there, apparently, from the testimony we have heard here. It is not a wholesome condition at all. It ought to be cleaned up. We are trying to help you, and we are trying to get the information up here.

You say you cannot get it, and they do not want to testify. Now we have had them up here and had them testify. It is a matter of record, and it is sworn testimony, and I think by the time these hearings are through, you folks will find a way to get some of this cleaned up, at least.

I believe that your people down there want it cleaned up. It should be, and I hope we have been helpful to you.

Mr. KIMSEY. I think you have, Mr. Chairman, and I am sure it will help us, and I know the police department wants it cleaned up, but our department is, you might say, a little country department, and we have demands on us, and no money and no equipment.

Where 2 men can go out on a case like the FBI that Mr. Swanner used to be a member of, they can be assigned on it, and we take 4 or 5 cases a day.

The CHAIRMAN. You have enough. You can get that fellow Smith down there before a grand jury, and if you have a district attorney that knows how to prosecute a case, get these witnesses in there, and you will have a case before you get through, in my opinion.

Then you can submit it to a jury, a petit jury and if the man is guilty he will go where he belongs.

Thank you very much.

Mr. KIMSEY. Thank you, gentlemen.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Harold Winslow.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WINSLOW. I do.

TESTIMONY OF HAROLD A. WINSLOW

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. WINSLOW. My name is Harold A. Winslow, I live at 611 South Ninth, Nashville, and I am employed by Robert Hughes, who is a truck driver.

The CHAIRMAN. Do you waive counsel? Do you?

Mr. WINSLOW. What do you say?

The CHAIRMAN. Do you waive the right of an attorney to be present representing you, while you are testifying?

Mr. WINSLOW. That is right.

The CHAIRMAN. Thank you.

Mr. KENNEDY. You were working from August 3 to August 12, 1955, as a truckdriver, with the Keith Simmons Co., and at that time the teamsters were attempting to organize the company?

Mr. WINSLOW. That is right.

Mr. KENNEDY. Now, did you have any difficulty with the teamsters or any teamster officials prior to August 12, 1955?

Mr. WINSLOW. No. I was hired by that company before they were starting to organize. Unbeknownst to me, Mr. Gregory called me to go to work out there, you see, well, I asked him if there was any labor trouble or any danger, and he said no, there were just a few on strike. So I went ahead and I went to work as a truckdriver.

Mr. KENNEDY. Did you have any difficulty, or did any of the teamster officials or representatives say anything to you when you were driving a truck?

Mr. WINSLOW. No; none of them said anything to me. Of course, they had their picket line, and they would on the morning, they would

holler "scab," or "yellow," or something like that, or say insulting remarks even as I went in, and on the road.

Mr. KENNEDY. They followed you on the road?

Mr. WINSLOW. Yes; they did.

Mr. KENNEDY. Who was doing that?

Mr. WINSLOW. Well, it was some of them, representatives of the union.

Mr. KENNEDY. You did not know their names?

Mr. WINSLOW. I recognized some of them here today.

The CHAIRMAN. You recognize some of them here today?

Mr. WINSLOW. Well, the ones that called me scab, and said insulting remarks, and all of that.

The CHAIRMAN. They are present here?

Mr. WINSLOW. They are present here today.

The CHAIRMAN. I see. Maybe we will get to them directly.

Mr. KENNEDY. Now, on August 12, did any of these individuals attack you?

Mr. WINSLOW. Well, I don't recall whether that was August 12.

Mr. KENNEDY. On or about August 12.

Mr. WINSLOW. It was around August or September, around that date.

Mr. KENNEDY. Or the middle of August?

Mr. WINSLOW. I was attacked and, in fact, beat up, and knocked out for a little bit.

Mr. KENNEDY. What has been your career? You wrestled for a while yourself; did you?

Mr. WINSLOW. Yes, sir; I did.

Mr. KENNEDY. You can usually take care of yourself pretty well?

Mr. WINSLOW. Pretty well, and I used to do a lot of wrestling and I am a pretty good-sized man.

Mr. KENNEDY. How much do you weigh?

Mr. WINSLOW. I weigh approximately 300 now, but at that time I didn't weigh quite that much.

Mr. KENNEDY. How much do you weigh when you are in shape?

Mr. WINSLOW. When I was in shape, I weighed about 287. My neck size is 20 and I used to do a lot of wrestling, but now I am 50 years old, and I can't do that.

Mr. KENNEDY. Where did you used to wrestle?

Mr. WINSLOW. Back in about 1927 and 1928.

Mr. KENNEDY. Professionally?

Mr. WINSLOW. Well, no, just amateur.

Mr. KENNEDY. Whereabouts, in what area?

Mr. WINSLOW. Carnivals, mostly; shows and carnivals; I didn't make any public appearances, that is just sort of amateur, you know.

Mr. KENNEDY. You got paid a little for doing it?

Mr. WINSLOW. Yes.

Mr. KENNEDY. So on or about August 12, 1955, you were assaulted, you say?

Mr. WINSLOW. Yes.

Mr. KENNEDY. Would you tell us exactly what happened to you?

Mr. WINSLOW. Well, one afternoon I was delivering some hardware over to one of the truck terminal docks; I had my bills out looking at them.

Mr. KENNEDY. You can stand up if you want to show how you do it.

Mr. WINSLOW. I had my bills looking at them this way and somebody walked behind me and the first thing I knew I was slugged.

Mr. KENNEDY. What did you do?

Mr. WINSLOW. I went over against the truck and I did not go down but I fell over against the truck.

Mr. KENNEDY. What did he hit you with?

Mr. WINSLOW. I don't know whether it was knucks or fist, or club or what, but it was an awful hard holt. It was right behind the ear. It was two fellows up there in a car and they were sitting out front. When I came to, they were there, too.

Mr. KENNEDY. When you recovered consciousness?

Mr. WINSLOW. When I recovered consciousness there were about three of them there but the one who did the slugging, I can't seem to recall him, but if I would ever meet him, I would know who he was. Those two fellows who brought him out there would probably know.

Mr. KENNEDY. Did you report this to the police?

Mr. WINSLOW. Yes, sir; I reported it to the police.

Mr. KENNEDY. Just to go back, did they hit you, these other two men joined in the hitting?

Mr. WINSLOW. They joined in a little bit.

Mr. KENNEDY. They hit you around the face?

Mr. WINSLOW. Not too much in the face but chest and my back.

Mr. KENNEDY. What did you do?

Mr. WINSLOW. Well, I was trying to defend myself.

Mr. KENNEDY. Were you able to?

Mr. WINSLOW. Yes, I began to straighten up and I was able to and I jerked and ran. I jerked away and they had three of them around me and one of them started running, was hollering and, of course, nobody was there to see me but he grabbed me by the pants and I jerked away from him and so I got away, and they got in a car and got away, but I didn't get the license number and I didn't have any gun, or no club or nothing to defend myself.

Mr. KENNEDY. But you reported it?

Mr. WINSLOW. If I run across the guy that slugged me, he is mine.

Mr. KENNEDY. Did they kick you, also?

Mr. WINSLOW. Yes; I think they did.

Mr. KENNEDY. Do you still have scars from that?

Mr. WINSLOW. I have got a place on my leg where it must have busted a blood vessel and they probably kicked me and it has never healed up.

Mr. KENNEDY. It is still inflamed?

Mr. WINSLOW. It is scarred.

The CHAIRMAN. When did this happen?

Mr. WINSLOW. That was I would say, it was in the fall of 1955.

The CHAIRMAN. Was anyone ever arrested?

Mr. WINSLOW. I don't think so. They swore out warrants, John Doe warrants, but I don't think anybody was ever picked up.

The CHAIRMAN. Do you know the two men?

Mr. WINSLOW. I could recognize the two, I think, that brought the man over there that slugged me. I believe I could.

Mr. KENNEDY. You could recognize them?

Mr. WINSLOW. Yes, sir.

The CHAIRMAN. Have you ever seen them since?

Mr. WINSLOW. Since then? No; I don't recall; no.

The CHAIRMAN. Not that you recall?

Mr. WINSLOW. I saw them before.

The CHAIRMAN. You had seen them before?

Mr. WINSLOW. Yes, but I don't believe in this business of going around and trying to see people.

The CHAIRMAN. I thought you were looking for the guy who slugged you.

Mr. WINSLOW. Those two people who brought him out there, they were not the ones.

The CHAIRMAN. Have you inquired of them who he was?

Mr. WINSLOW. No, I never did talk to them.

The CHAIRMAN. You never did talk to them?

Mr. WINSLOW. No.

The CHAIRMAN. They must have pretty well convinced you.

All right, go ahead.

Mr. KENNEDY. No arrests were made? Did the police question you or show you any pictures?

Mr. WINSLOW. The police—we went around and I don't think they were police, but they were plainclothes men, or maybe police, too, I guess. We went around by the union hall me and another boy who was assaulted the same afternoon and I don't know who he was, and he was another truckdriver. But we went around the building and we identified the car, but there wasn't anyone in it.

Mr. KENNEDY. That was in front of the teamster headquarters?

Mr. WINSLOW. Yes, sir.

Mr. KENNEDY. And you were able to identify these people as the same people that had been harassing you while you were driving the truck in the prior 10 days or 2 weeks?

Mr. WINSLOW. Two of them, yes, but the one that slugged me, no.

Mr. KENNEDY. Did they ever show you the pictures of anyone?

Mr. WINSLOW. Who?

Mr. KENNEDY. Did the police?

Mr. WINSLOW. Not the police.

Mr. KENNEDY. To see if you could identify the people that slugged you?

Mr. WINSLOW. No, the police never had any pictures.

Mr. KENNEDY. No arrests were ever made?

Mr. WINSLOW. None of the officers that were there that I dealt with.

Mr. KENNEDY. Could you go in the audience and could you pick out the 2 or 3 people that assaulted you that day?

Mr. WINSLOW. Two of the three, yes.

Mr. KENNEDY. You did not see the one that hit you from the back, did you?

Mr. WINSLOW. No.

Mr. KENNEDY. You saw the ones that hit you from the front, did you not? Could you go and pick them out? You can step up and walk out.

(The witness went to the audience.)

Mr. WINSLOW. It is this fellow here and this one over here.

The CHAIRMAN. Have those two people come around, and identify them.

Mr. KENNEDY. Would you go up there and identify them?

The CHAIRMAN. You two gentlemen may sit down right behind the witness.

Mr. Winslow, are these the two men?

Mr. WINSLOW. Those were the two I saw in the car.

The CHAIRMAN. Did they get out of the car?

Mr. WINSLOW. Yes, sir.

The CHAIRMAN. They got out of the car?

Mr. WINSLOW. Yes, sir.

The CHAIRMAN. Are you still afraid of them?

Mr. WINSLOW. They didn't do too much to me.

The CHAIRMAN. The other fellow had already done plenty?

Mr. WINSLOW. Yes, sir, the other fellow did.

The CHAIRMAN. Did they participate in it?

Mr. WINSLOW. They participated.

The CHAIRMAN. Do you know their names?

Mr. WINSLOW. Not exactly, no.

The CHAIRMAN. Do you know nearly?

Mr. WINSLOW. I think Smith and Vaughn.

The CHAIRMAN. One is named Smith and one is named Vaughn. Which one is named Smith?

Mr. WINSLOW. With the red hair.

The CHAIRMAN. Which one is named Smith?

Mr. WINSLOW. Wait a minute, now, the one with the red hair is Vaughn.

The CHAIRMAN. That is Vaughn; and what is the other one?

Mr. WINSLOW. Smith, I think his name is Smith, I believe.

Mr. KENNEDY. You left your job after this, after you got beaten up this time?

Mr. WINSLOW. Yes, I didn't want to bother the boys if they were organizing and I didn't want no trouble whatsoever, and I was not on either side.

Mr. KENNEDY. You did not want to participate.

Mr. WINSLOW. I did not want to participate.

Mr. KENNEDY. In this business again.

Mr. WINSLOW. If they were having trouble, I run from trouble and I don't run to get into it.

Senator CURTIS. Where was this that you were assaulted?

Mr. WINSLOW. That was at the Tennessee Motor Lines, I believe, on Leach Avenue, and it was some trucking company.

Senator CURTIS. In what city?

Mr. WINSLOW. Nashville, Tenn.

Senator CURTIS. And did it happen out in the street?

Mr. WINSLOW. It happened at their terminal.

Senator CURTIS. Off the street?

Mr. WINSLOW. Yes, off the street.

Senator CURTIS. These two men behind you, Mr. Vaughn, and Mr. Smith, how close were they to you after the other party had slugged you?

Mr. WINSLOW. Well, the last I saw, they were sitting in the car.

Senator CURTIS. Did they ever get out of the car and come over to where you were?

Mr. WINSLOW. Yes, sir.

Senator CURTIS. How close to you?

Mr. WINSLOW. To me, you mean?

Senator CURTIS. Yes, did they ever touch you?

Mr. WINSLOW. Well, I was touched a time or two by them.

Senator CURTIS. What is that?

Mr. WINSLOW. I was sort of knocked out at the time.

Senator CURTIS. But they did come over where you were?

Mr. WINSLOW. Yes, sir.

Senator CURTIS. Close enough for them to touch you?

Mr. WINSLOW. Yes, sir, I could recognize them.

Senator CURTIS. But did they touch you?

Mr. WINSLOW. Yes, sir; I guess they did.

Senator CURTIS. What with?

Mr. WINSLOW. Just their hands.

Senator CURTIS. Did they say anything to you?

Mr. WINSLOW. No, not too much.

Senator CURTIS. They came over after the other man had gone?

Mr. WINSLOW. No, he was still there, too.

Senator CURTIS. He was still there, too?

Mr. WINSLOW. Yes, sir.

Senator CURTIS. But you never have seen him since?

Mr. WINSLOW. I have never seen him since.

Senator CURTIS. That is all.

The CHAIRMAN. I understood you to testify and I want the record straight, that these two men hit you. Did either of them?

Mr. WINSLOW. Mightily lightly, if they did.

The CHAIRMAN. Are you afraid of them?

Mr. WINSLOW. I am not afraid of them.

The CHAIRMAN. Did they hit you, lightly or otherwise?

Mr. WINSLOW. Lightly, they hit me.

The CHAIRMAN. Lightly they hit you?

Mr. WINSLOW. Yes, sir.

The CHAIRMAN. How many times?

Mr. WINSLOW. I couldn't just exactly say the number of times.

The CHAIRMAN. More than once?

Mr. WINSLOW. More than once.

The CHAIRMAN. How many times did they kick you?

Mr. WINSLOW. I was kicked—I couldn't tell whether it was the third one or these, but I was kicked 2 or 3 times.

The CHAIRMAN. You were kicked 2 or 3 times?

Mr. WINSLOW. Yes, sir.

The CHAIRMAN. Is that what bruised your leg?

Mr. WINSLOW. That is partly the cause of it.

The CHAIRMAN. What else caused it?

Mr. WINSLOW. Well, I guess being heavy just busted the blood veins.

The CHAIRMAN. It did not bust accidentally?

Mr. WINSLOW. It never healed.

The CHAIRMAN. It had not been busted before?

Mr. WINSLOW. No.

The CHAIRMAN. It got busted then?

Mr. WINSLOW. Yes, sir.

The CHAIRMAN. And it has never healed.

Mr. WINSLOW. That is right.

The CHAIRMAN. Are there any other questions?

Senator McNAMARA. I would like to ask the witness, who did you contact at the Nashville police department?

Mr. WINSLOW. I contacted or I went back to the company there and I contacted Mr. Gregory and he contacted the men, and I don't know who they were.

Senator McNAMARA. You did not contact anybody directly in the police department, yourself?

Mr. WINSLOW. No.

Senator McNAMARA. Did you not sign a John Doe warrant?

Mr. WINSLOW. After that, yes, for the arrest.

Senator McNAMARA. Did you do this in the presence of some representative of the police department?

Mr. WINSLOW. I guess it was.

Senator McNAMARA. You do not know?

Mr. WINSLOW. No.

Senator McNAMARA. Since you recognize these two men now, and you say that they participated to some degree in beating you up, why did you have a John Doe warrant issued for them rather than a warrant specifying them as the people who beat you up?

Mr. KENNEDY. He did not know the names.

Mr. WINSLOW. Well, I didn't want or I didn't care who it was for, and the idea was to get the one who did it. I didn't know their names.

Senator McNAMARA. I do not know that we should coach him that much, really. You did not know their names at that time, but you discovered it since?

Mr. WINSLOW. Yes.

Senator McNAMARA. You do not know the names of the policemen and you did sign a John Doe warrant, but you since discovered that it was these two men and another man who beat you up.

Mr. WINSLOW. Yes, sir.

Senator McNAMARA. Was it just recently, today, that you found that out?

Mr. WINSLOW. No.

Senator McNAMARA. When did you discover who they were?

Mr. WINSLOW. These two men, you mean? I saw them two men around Nashville and I saw them before I was ever attacked.

Senator McNAMARA. You did not try to get a warrant for them when you found out who they were?

Mr. WINSLOW. No.

Senator McNAMARA. Why?

Mr. WINSLOW. Well, I just didn't want to get mixed up with it.

Senator McNAMARA. You did want to get a warrant?

Mr. WINSLOW. I wanted to get the warrant for the one who did it.

Senator McNAMARA. They did it, too, according to your testimony.

Mr. WINSLOW. Yes, they helped too, and they know who did it, but of course they wouldn't tell.

Senator McNAMARA. We can't have it both ways. They either participated in beating you up or they did not. Which is it? Did they participate in beating you up?

Mr. WINSLOW. Yes, sir; I say they did.

Senator McNAMARA. They did?

Mr. WINSLOW. Yes, sir.

Senator McNAMARA. When you found out who they were, you did not try to get a warrant for them for their arrest?

Mr. WINSLOW. No.

Senator McNAMARA. And why?

Mr. WINSLOW. I didn't know who they were then; I did not know the names.

Senator McNAMARA. You knew some time ago and you found out prior to today?

Mr. WINSLOW. Yes, sir.

Senator McNAMARA. And you did not try to get a warrant for their arrest?

Mr. WINSLOW. No.

Senator McNAMARA. You do not have any explanation of why you did not try to get a warrant for their arrest?

Mr. WINSLOW. Well, I don't know why I didn't, but I just didn't go ahead with it.

Senator McNAMARA. That is all, Mr. Chairman.

The CHAIRMAN. Which one now, do you say, or point to the one that is named Smith. Point your finger at the man named Smith.

Mr. WINSLOW. Here, this one.

The CHAIRMAN. Which one? Which one is named Smith?

Mr. WINSLOW. This one is named Smith.

The CHAIRMAN. Which one? I cannot tell who you are pointing at. Point with this other hand. That is Smith?

Mr. WINSLOW. Yes, sir.

The CHAIRMAN. And the other one is who?

Mr. WINSLOW. Vaughn.

The CHAIRMAN. All right; we have them identified now. Thank you. Stand aside.

Mr. Smith, take the stand, please.

Mr. Smith, take the witness stand. Will you be sworn?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMITH. I do.

TESTIMONY OF WILLIAM A. SMITH, ACCOMPANIED BY HIS COUNSEL, CECIL D. BRANSTETTER

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. SMITH. Do I have a right to counsel?

The CHAIRMAN. I did not understand you.

Mr. SMITH. Have I got a right for counsel?

The CHAIRMAN. You have, and you will be given that opportunity. Will you state your name and your place of residence and your business? Do you have counsel here?

Mr. SMITH. William A. Smith, 421 Wanda Drive, Donelson.

The CHAIRMAN. Do you have counsel?

Mr. SMITH. I sure have.

The CHAIRMAN. Come around, Mr. Counsel.

Mr. Counsel, identify yourself for the record, please, sir.

Mr. BRANSTETTER. I am Cecil Branstetter, 204 Stahlman Building, Nashville, Tenn.

The CHAIRMAN. Thank you very much. All right, Mr. Smith, you gave us your name and your address. What is your occupation?

Mr. SMITH. I work for teamsters local 327, Nashville, Tenn.

The CHAIRMAN. In what capacity?

Mr. SMITH. Assistant business agent.

The CHAIRMAN. What is that?

Mr. SMITH. Assistant business representative.

The CHAIRMAN. Assistant business representative?

Mr. SMITH. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. How long have you held that position, Mr. Smith?

Mr. SMITH. Since January. May I consult my lawyer?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. Since January 15, 1953.

Mr. KENNEDY. What were you doing prior to that time?

Mr. SMITH. Driving for Associated Transport Co.

Mr. KENNEDY. Who hired you in the teamsters local?

Mr. SMITH. I don't remember at this time the man's name.

Mr. KENNEDY. How did you happen to transfer from driving for Associated Transport into the teamsters local? Who arranged that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Can't you tell the committee who arranged for that? Who hired you in the teamsters local?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Is there something that incriminates people or might tend to incriminate them if they are hired by a union? You want to reflect upon your union in that fashion?

Mr. SMITH. I claim my constitutional right not to be a witness against myself.

The CHAIRMAN. O. K. If you want to leave the record that way, and it might be that bad. I do not know.

Mr. KENNEDY. Was Mr. Vestal the president of the local at that time?

Mr. SMITH. May I talk to my lawyer?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. We have had some testimony before this committee from representatives of Associated Transport Co., and the close relationship that they have had with the teamsters. Now, did that play a part in your getting the job as a business agent for this teamsters local?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you respect other people's constitutional rights?

Mr. SMITH. May I talk to my lawyer?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you think you could not afford to admit that you do not respect other people's constitutional rights without possibly incriminating yourself; is that it?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Were you hired in order to perform acts of violence for the local, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Is that the function you performed for the local after you joined them in 1953?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Didn't you go to Knoxville, Tenn., and perform acts of violence, including dynamitings?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You went down into Miami, Fla., and you went to Atlanta, Ga., Jackson, Miss., up into New Jersey, and to Kentucky, did you not?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Are you a professional goon?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You mean you cannot even deny that without possibly incriminating yourself?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. According to the testimony that we have had before this committee, Mr. Frank Allen was standing at his desk with his head down and you came up and hit him and continued to strike him for a period of minutes, so that he broke his nose, and he broke bones in his face. He was completely unprepared. Is that true, Mr. Smith? Did you do anything like that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And you came up to Wallace Rasmussen, and struck him when he was completely unprepared and struck him from the back. Did you do that?

Mr. SMITH. The question again, please.

Mr. KENNEDY. That you came up to Wallace Rasmussen and you struck him in a similar way and struck him from behind; is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And because you had some fear that maybe Eugene Evans would cause you some problem over in Knoxville, Tenn., you brought a man who had done some fighting, Corky Ellis, and you

brought him over to Knoxville, Tenn., in order to beat Mr. Evans up?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you go around and participate in these beatings, and does that give you a certain amount of pleasure?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. What about dynamitings; do you participate in dynamiting, too?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you put dynamite under people's automobiles? Have you done anything like that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. What about their stores, their places of business, so you destroy all of their work? Do you do that? Did you put any dynamite under any store?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you come to Knoxville, Tenn., on the night of June 12 and register at the hotel there, the Hotel Farragut, under the name of Tommy Jackson?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And then did you go out and participate with any other individual in the shooting of two trucks? Did you do anything like that?

Mr. SMITH. The question again?

Mr. KENNEDY. Did you go out there and participate in the shooting of two trucks, B & S Truck Co. trucks?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you shoot at any trucks where the drivers were going along completely defenseless?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You participate in some shootings and some beatings where these people are completely defenseless, do you, Mr. Smith?

Mr. SMITH. The question again?

Mr. KENNEDY. Do you participate in beatings and participate in shootings where the individual involved is completely defenseless?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Where you do these things, where you go out and shoot at people, put dynamite under the property and blow it up, slip up on them from their back and slug them, do you think that is an act of bravery?

Mr. SMITH. The question again?

The CHAIRMAN. When you go out and beat people up, shoot at them, when they are helpless and defenseless, put dynamite on their property, blow it up, do you think that is an act of bravery?

Mr. SMITH. Is that all? Is that all of your question?

The CHAIRMAN. Yes. Answer that much of it.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Don't you know that is an act of the lowest kind of cowardice? Don't you know that?

Mr. SMITH. The question again?

The CHAIRMAN. I said don't you know that such acts are the lowest kind of cowardice? You understand what I am saying.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed.

Senator CURTIS. Mr. Chairman?

Mr. Smith, do you know Harold Winslow, who just left the stand?

Mr. SMITH. May I talk to my lawyer?

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Did you ever see him before today?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Did you hear his testimony today?

Mr. SMITH. May I talk to my lawyer?

The CHAIRMAN. Yes, sir.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Mr. Chairman, I ask that the witness be ordered to answer. I merely asked him if he heard Mr. Winslow's testimony today. I think the committee is entitled to know whether he heard it.

The CHAIRMAN. The question is: Did you hear the testimony of Mr. Winslow when he appeared on the witness stand here today just preceding you?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. With the permission of the committee the Chair orders and directs you to answer the question.

Mr. SMITH. I refuse to answer the question.

The CHAIRMAN. You are ordered and directed to answer the question.

Mr. SMITH. May I talk to my lawyer?

The CHAIRMAN. Yes. You'd better.

(The witness conferred with his counsel.)

Mr. SMITH. Mr. Chairman, due to these loudspeakers I have quite a bit of trouble hearing through this hearing aid. I do wear a hearing aid. I could catch a word here and a word there.

The CHAIRMAN. You heard part of his testimony?

Mr. SMITH. Not enough to put meaning to it. Not enough to get a meaning.

The CHAIRMAN. I didn't understand you.

Mr. SMITH. Not enough to get the meaning.

The CHAIRMAN. You heard some of the testimony, but not enough to get the meaning of it; is that correct? Is that what you said?

Mr. SMITH. I heard him talking and I could catch a stretch of it every now and then, but I could not get the meaning of what he was trying to get over.

The CHAIRMAN. To clarify what you said, as I understand it, you heard him testify but you just caught a word here and there and you couldn't get the meaning of what he was saying. That is what you are telling us?

Mr. SMITH. Did you say I could not get the meaning?

The CHAIRMAN. That is right.

Mr. SMITH. That is right.

The CHAIRMAN. All right.

Senator CURTIS. Have you been in the hospital in the last 3 or 4 years?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Were you ever in the hospital in Knoxville?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Have you ever been shot in the elbow, accidentally or otherwise?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Do you still have a scar on your elbow?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Would you be willing to exhibit both your elbows to this committee?

Mr. SMITH. May I talk to my lawyer?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. How long have you known Mr. Red Vaughn?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Well, do you know him?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you think it might incriminate you to admit it, that you know him?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Is he that kind of a character, that it might incriminate you to acknowledge that you know him?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. I wonder if he will make the same claim about you? Do you know?

Mr. SMITH. I beg your pardon?

The CHAIRMAN. I said I wonder if he is going to make the same claim about you. Do you know?

Mr. SMITH. I am no mindreader.

The CHAIRMAN. Sir?

Mr. SMITH. I am no mindreader, sir.

The CHAIRMAN. You are not a mindreader. You have talked to him, haven't you?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Haven't you both agreed to take the fifth amendment so you wouldn't have to tell on each other? Isn't that the truth?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed.

Senator CURTIS. Have you ever been employed in the State of New Jersey?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Do you know Don Vestral?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is all.

Mr. KENNEDY. Have you ever heard of the Powers Grocery Store in Knoxville, Tenn.?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Were you in the vicinity of Powers Grocery Store on or about September 5, and 6, 1956?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Were you called over there by Mr. Reynolds, the president of the local in Knoxville, to come and help with the Powers Grocery Store?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you bring some dynamite with you when you came over that time?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you come over there with Robert Belcher?

Mr. SMITH. Is that all the question?

Mr. KENNEDY. Yes.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you and Mr. Belcher participate in the dynamiting of the Powers Grocery Store?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Were you in the vicinity of the Powers Grocery Store that night that it was dynamited, September 6?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Have you ever been questioned by any officer about your presence there?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You couldn't even tell whether you had been interrogated by any law-enforcement officer about your presence there that night without possibly incriminating yourself; is that right?

Mr. SMITH. May I talk with my lawyer?

The CHAIRMAN. Yes.

(The witness confers with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Do you know if Mr. Belcher is a member of your local? Is he?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And he has been arrested some 42 times?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Is that why you selected him to go to Knoxville with you?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Looking at your record, prior to the time you were hired by the union you were arrested some 10 or 12 times. What was the basis of their hiring you?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. This included operating and keeping disorderly houses, a drunk, loitering, disorderly and offensive conduct, on a number of different occasions.

Mr. SMITH. The question again, please?

Mr. KENNEDY. What was it in your record that made the teamsters want to hire you, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You were involved in an assault and battery in addition to these other things?

Mr. SMITH. I beg your pardon?

Mr. KENNEDY. You were involved in assault and battery, in addition to these other things, prior to being hired by the teamsters?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. In addition to the Powers dynamiting, we have you identified as participating in the dynamiting of the Ajax Warehouse, Nashville, Tenn.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And the dynamiting of the Southland Oil Corp., Jackson, Miss. Can you tell us anything about that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And the McDowell Co., in Nashville, Tenn.?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. There were two separate dynamitings there, one causing a loss or damage of \$100,000 and the other one somewhat less. Did you participate in either one of those?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. At the time of the last dynamiting, the office was dynamited. Did you participate in that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. They found in the property a homemade bomb, which is over here in one of the exhibits. Will you tell the committee whether you have ever seen that before? Would you look at it and tell the committee about that?

Mr. SMITH. The question again?

Mr. KENNEDY. I would like you to look at that homemade bomb, examine it, and tell the committee whether you have ever seen it before.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Are you familiar with it?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Have you ever had your hands on it?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Did you make it?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Did you transport it?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Did you place it in position to be exploded?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed.

Senator CURTIS. What are your duties as assistant business manager of the union?

Mr. SMITH. May I talk to my lawyer?

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You don't want to leave the inference here that the union does something that would incriminate you if you told about it, that you are employed by that union to do something that you can't tell the public about without incriminating yourself?

Is that the implication you want to leave?

Mr. SMITH. Are you through with the question?

The CHAIRMAN. You heard the question.

Mr. SMITH. I say are you through, sir?

The CHAIRMAN. You have heard the question.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. All right.

Senator CURTIS. Who advised you of what your duties were?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Who is your superior in the union?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Do you have any duties to perform for the union that would not incriminate you?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. What about the dynamiting in Knoxville, Tenn., in reference to the Newman-Pemberton strike? Did you participate in that at all?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. We have had quite a bit of testimony regarding your participation in the siruping of trucks in a number of different instances.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Against the Carolina-Tennessee Co., at Newport, Tenn. Did you participate in the siruping there?

Mr. SMITH. Is that all?

Mr. KENNEDY. Yes.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And siruping of trucks at Monteagle, Tenn.?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And the siruping of the trucks of the Motoren Co., in Nashville, Tenn.?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You have been linked in testimony with all of these things, with direct testimony. And another instance on November 7, 1954, with the siruping of trucks of the Tennessee-Carolina Co. Did you participate in that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And the slashing of tires at the B. & S. Motor Line; did you participate in that?

Mr. SMITH. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. What salary are you paid by the union?

Mr. SMITH. The question again?

The CHAIRMAN. What salary are you paid by the union?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And the breaking of barbershop windows in 1954 and 1955. You have also been identified directly with breaking barbershop windows. Would you tell us anything about that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. We have identified you before the committee with some 4 or 6 dynamitings, the slashing of tires on several occasions, on 2 occasions, the siruping of trucks on about 8 occasions, beatings and assaults, which according to the testimony, mostly was from behind the victim, on 4 or 5 occasions. Can you tell us anything about that, or do you want to tell us about it, what you did? Or deny it?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. In addition to that, we have identified you as participating in some shootings. Would you tell us anything about that? Can you tell us anything?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And we had testimony before the committee of Mr. Roy Byrd, of the B. & S. Lines, who was crippled for life after being shot. Did you participate in that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Where did you learn to do all these dynamitings and shootings and beatings, Mr. Smith? Where did you become so brave?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Do you know any police officers?

Mr. SMITH. May I talk to my lawyer?

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Senator McNamara?

Senator McNAMARA. The witness has testified that he was a truckdriver before he became a paid official for the teamsters union. I would like to ask: How long were you a truckdriver before you became a paid official?

Mr. SMITH. May I talk to my lawyer?

Senator McNAMARA. Yes.

Mr. SMITH. Would you mind stating the question over?

Senator McNAMARA. What was that?

Mr. SMITH. Would you mind stating the question over?

Senator McNAMARA. You have testified that you were a truckdriver before you became a paid official. My question is: How long were you a truckdriver before you became a paid official?

Mr. SMITH. May I talk to my lawyer?

Senator McNAMARA. How much?

Mr. SMITH. May I talk to my lawyer?

Senator McNAMARA. Sure.

(The witness conferred with his counsel.)

Mr. SMITH. I would say approximately—you are talking about the Associated Transport; are you?

Senator McNAMARA. Any truck. A truckdriver.

Mr. SMITH. I answer that question that I worked for the Associated Transport before I went to work for the union. That is the company you are talking about. I would say approximately 10 months, somewhere 2 or 3 weeks more or less.

Senator McNAMARA. Were you a truckdriver prior to that employment?

Mr. SMITH. May I talk to my lawyer?

Senator McNAMARA. Sure.

(The witness conferred with his counsel.)

Mr. SMITH. Yes, sir.

Senator McNAMARA. For how long?

Mr. SMITH. All my life.

Senator McNAMARA. All your life?

Mr. SMITH. Practically. Off and on; yes, sir.

Senator McNAMARA. Are you a citizen of the United States?

Mr. SMITH. I beg your pardon?

Senator McNAMARA. Are you a citizen of the United States?

Mr. SMITH. May I talk to my lawyer?

(The witness conferred with his counsel.)

Mr. SMITH. Yes, sir.

Senator McNAMARA. That is all. Thank you.

Senator CURTIS. Are you a member in good standing of the union?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is interesting.

The CHAIRMAN. Does the union condone those beatings and dynamitings, window breaking, tire slashing, siruping of motors, and so forth? Does your union approve of that?

Mr. SMITH. Are you through?

The CHAIRMAN. Sir?

Mr. SMITH. Are you through?

The CHAIRMAN. Yes.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. I thought you said, "I do."

Senator McNAMARA. He said, "Are you through?"

The CHAIRMAN. When I am through with the question, you can tell it.

Mr. SMITH. Unintentionally I butted in on the question when I thought you were through a couple of times.

The CHAIRMAN. You can't comment on whether your union approves? You can't even defend your union that much, to say that it does not approve of such acts; can you?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. I don't see how anyone can get any other impression from this testimony except that you approve of it and your union approves of it, and that you are employed for that purpose. Do you want to leave the record that way?

Mr. SMITH. Is that a question?

The CHAIRMAN. Yes.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. In that connection, as I understand, Mr. Hoffa, according to the testimony we have had, intervened on your behalf; is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know Mr. Hoffa?

Mr. SMITH. I claim my constitutional right not to be forced to be forced to be a witness against myself.

Mr. KENNEDY. Why did he intervene on your behalf?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Was he approving of what you were doing down there during this period of time?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And Mr. Gene San Soucie, do you know Mr. Gene San Soucie?

Mr. SMITH. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And he intervened on your behalf also?

Mr. SMITH. I claim my constitutional right not to be forced to be forced to be a witness against myself.

Mr. KENNEDY. He is an important figure in the central conference of the teamsters. Do you understand why he would intervene for you?

Mr. SMITH. The question again, if you don't mind.

Mr. KENNEDY. He is an important figure and was an important figure in the central conference of teamsters. Could you understand why he would intervene on your behalf?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. What I am interrogating you about is: Do you get extra pay in addition to the salary? Do you get paid by the job?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any other questions?

In my judgment, any one who is in a position such as this witness is, and he knows his position, and he knows the justification——

Mr. SMITH. May I interrupt?

The CHAIRMAN. I will say it loud enough for you to interfere. I said, in my judgment, anyone who is in a position such as you are, or the position you have taken, where you can't talk about the affairs of your union and its activities, and come before a duly constituted tribunal or authority and give information that is needed by the Congress of the United States to help the legislation for the good of all people, anyone who is in that position and who takes that position, reflects upon honest, decent unionism in this country. That is exactly what you have done here today.

You may stand aside.

Mr. SMITH. Thank you.

Mr. KENNEDY. I want to call Mr. Lyn M. Schroeder.

The CHAIRMAN. Come forward, Mr. Schroeder.

Mr. Schroeder, be sworn. Do you solemnly swear the evidence you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SCHROEDER. I do.

TESTIMONY OF LYN M. SCHROEDER

The CHAIRMAN. State your name and business or occupation.

Mr. SCHROEDER. Lyn M. Schroeder. I would rather not give my employment.

The CHAIRMAN. I said what is your occupation. You are under fear, are you?

Mr. SCHROEDER. Well, if I gave my occupation and where I live, I am afraid I would be.

The CHAIRMAN. You will be directed to give that to the committee for its records in executive session. I will not require you to make it public.

You have already given it to the staff, have you?

All right.

Do you waive counsel?

Mr. SCHROEDER. Right.

Mr. KENNEDY. In 1955 you were working in Nashville, Tenn.; is that right?

Mr. SCHROEDER. That is right.

Mr. KENNEDY. And you were working in the vicinity of some of the truckdrivers of the B. & S. Motor Lines?

Mr. SCHROEDER. Yes, I was.

Mr. KENNEDY. And that was during the time that the B. & S. Motor Lines was having difficulty with the teamsters union?

Mr. SCHROEDER. That is right.

Mr. KENNEDY. But you were not working for the B. & S. Motor Lines; were you?

Mr. SCHROEDER. I was not and never have been an employee of the B. & S. Motor Lines.

Mr. KENNEDY. Who were you working for at the time?

Mr. SCHROEDER. Hermitage Cabinet Shop.

Mr. KENNEDY. Was that shop having any difficulty with any union at the time?

Mr. SCHROEDER. We were having no labor difficulty whatsoever.

Mr. KENNEDY. Were you assaulted?

Mr. SCHROEDER. Yes; I was.

Mr. KENNEDY. You were in the vicinity of the truckdrivers of the B. & S. Motor Lines, is that right, where they were?

Mr. SCHROEDER. Not at the time of the assault.

Mr. KENNEDY. You were assaulted. Would you tell why you believed you were assaulted?

Mr. SCHROEDER. Well, during the strike, B. & S. had rented some trucks from a truck company downtown, and my company was in the process of losing some boxcars.

Mr. KENNEDY. As I understand it, the B. & S. Truck Co. was renting some trucks?

Mr. SCHROEDER. That is right.

Mr. KENNEDY. From whom?

Mr. SCHROEDER. From the Dixie System, the Dixie Drive It Yourself System. My employer asked me to go down to pick up a truck for him, which I did. I brought the truck by my house, which was next to B. & S. Motor Lines, and after lunch I went on up to the shop, to the cabinet shop. I had taken two loads, I believe, of furniture over to this railroad siding and then I was pulled off the truck to work in the shop for a while.

After that, it was some 2 hours, I believe, I was put back on the truck, and it was just about 5 o'clock that this group of men came up to the car, the truck, where I was loading.

Mr. KENNEDY. As I understand it, the reason that you believe that you were assaulted ultimately was the fact that your place, your home, was next to the B. & S. Motor Lines Co.

Mr. SCHROEDER. That is right.

Mr. KENNEDY. And that you had had a truck there, and it would appear that you were driving a truck for that company; is that right?

Mr. SCHROEDER. Well, that is one way it would appear, because the fellows on the picket line kept the license number of each truck that went in and out of B. & S. Motor Lines, and this happened to be one of the trucks that they had rented.

Mr. KENNEDY. This was one of the trucks that they had run in and out?

Mr. SCHROEDER. That is right.

Mr. KENNEDY. I see. And which had been a rented truck?

Mr. SCHROEDER. That is right. It was a rented truck.

Mr. KENNEDY. So about 5 o'clock—you were getting to that.

Mr. SCHROEDER. About 5 o'clock, me and another fellow from our shop was unloading the truck in the boxcar, and then this group of men came up to the truck and started talking to us. They asked where the load of furniture, which we manufactured, was going, and if we were working all the time. I answered him "Yes," and I told him where it was going.

Then we had one end of the car loaded, packed, and I told the boy that was with me that we would have to go back and start on the other end of the car. When we turned our backs on these fellows, he was on top of some of the furniture that we had been making, we turned our back on the fellows, some of them came in the car, 2 of them on me and 2 of them on him. I don't know who did the beating, who administered the beatings.

Mr. KENNEDY. Were you beaten badly?

Mr. SCHROEDER. Well, I was beat around the face and the sides.

Mr. KENNEDY. Tell how the beating was administered.

Mr. SCHROEDER. Well, the 2 fellows that were on me, 1 held me, held my head back.

Mr. KENNEDY. Grabbed your hair and held you back?

Mr. SCHROEDER. Grabbed me by the hair of the head, and held my head back, and the other one used his fists.

Mr. KENNEDY. And they beat you around the face and around the chest?

Mr. SCHROEDER. Yes.

Mr. KENNEDY. While one was holding your head back the other one administered the beating?

Mr. SCHROEDER. Yes.

Mr. KENNEDY. Did you find out later that they had cracked some of your ribs?

Mr. SCHROEDER. I found out later that I was in quite a bit of pain, but I didn't go to a doctor. It was some 2 weeks before the pain actually left.

Mr. KENNEDY. Were some of your ribs cracked?

Mr. SCHROEDER. Well, I don't know, but I have that feeling, that they were, because of the pain. I couldn't lift anything and I couldn't get any sleep.

Mr. KENNEDY. Was the other fellow with you beaten up in the same way?

Mr. SCHROEDER. They knocked him down, stomped him, and pulled his hair. Each time they would knock him down, they would lift him up by the hair of the head and hit him again.

Mr. KENNEDY. And hit him again?

Mr. SCHROEDER. Yes.

Mr. KENNEDY. Was this reported to the police?

Mr. SCHROEDER. Yes.

Mr. KENNEDY. Were you able to recognize the people who had beaten you up?

Mr. SCHROEDER. The Davidson County police or sheriff's office came out. They asked us questions and took the descriptions, but we were never taken down to police headquarters and never shown any pictures.

Mr. KENNEDY. You never were.

Mr. SCHROEDER. We never were.

Mr. KENNEDY. Did you tell them at that time you thought you could identify those who had beaten you up?

Mr. SCHROEDER. We told them that. We told them we thought we could identify them, that we were positive we could.

Mr. KENNEDY. And since the committee began its investigation, and we showed you some of the pictures that were involved in the violence in that area—

Mr. SCHROEDER. Yes; you did.

Mr. KENNEDY. Did we show you the pictures, among others, of Mr. Vaughn and Mr. Canaday, and Mr. Marston?

Mr. SCHROEDER. Yes.

Mr. KENNEDY. Have you been able to identify those from those pictures?

Mr. SCHROEDER. Yes; I have been able to identify them.

Mr. KENNEDY. Do you know which one held your head?

Mr. SCHROEDER. No; I do not. My back was to him.

Mr. KENNEDY. Do you know who was holding you?

Mr. SCHROEDER. No; I don't know that, because I was facing the boxcar.

Mr. KENNEDY. Can you recognize them here in the room?

Mr. SCHROEDER. I can point out two of them that I know of.

The CHAIRMAN. Are they here in the room now?

Mr. SCHROEDER. They are in the room now. Except Mr. Vaughn. He hasn't come back.

The CHAIRMAN. Mr. Vaughn was one of them?

Mr. SCHROEDER. Mr. Vaughn was one of them.

The CHAIRMAN. You saw Mr. Vaughn here?

Mr. SCHROEDER. Yes.

The CHAIRMAN. Do you know who the other two are?

Mr. SCHROEDER. Bob Marston.

The CHAIRMAN. Marston, stand up.

Who was the other one?

Mr. SCHROEDER. And Mr. Canaday.

The CHAIRMAN. Mr. Canaday, stand up.

All three of you come forward: Mr. Vaughn, Mr. Canaday, and Mr. Marston.

Turn around and look at the three men behind you. Are they the thugs that beat you up?

Mr. SCHROEDER. They were the ones that were in the group.

Mr. KENNEDY. That beat you and your friend?

Mr. SCHROEDER. That is right. And exactly which one administered the beating to us, I don't know.

Mr. KENNEDY. You couldn't tell which one held you?

Mr. SCHROEDER. That is right. And exactly which one administered the beating to us, I don't know.

Mr. KENNEDY. You couldn't tell which one held?

Mr. SCHROEDER. I couldn't tell that.

Mr. KENNEDY. But this is 3 of the 4 that beat you up, and your friend?

Mr. SCHROEDER. Yes.

The CHAIRMAN. What was the date this occurred?

Mr. SCHROEDER. In 1955, in August or September. The exact date I don't know.

The CHAIRMAN. I don't know whether the statute of limitations has run out or not, but there is another matter for the police down there to work on.

Are there any other questions?

Mr. KENNEDY. They never showed you any pictures of any of these people?

Mr. SCHROEDER. The police department never showed me any pictures.

Mr. KENNEDY. They never followed it up at all?

Mr. SCHROEDER. No. It was about 15 minutes before I could get back from the car to the shop, and they said there was nothing they could do because of the time lapse.

The CHAIRMAN. Nothing they could do because of the time lapse?

Mr. SCHROEDER. That they had already gotten away.

The CHAIRMAN. They wouldn't try to find out?

Mr. SCHROEDER. They evidently didn't try to find out.

Senator CURTIS. Do you know who the police officers were that you talked to?

Mr. SCHROEDER. Only that they were from the sheriff's department.

Senator CURTIS. You do not know their names?

Mr. SCHROEDER. No, I don't.

Senator CURTIS. This happened in the city or outside the city?

Mr. SCHROEDER. It was in Davidson County.

Senator CURTIS. Outside the city?

Mr. SCHROEDER. Outside the city limits.

The CHAIRMAN. Are there any other questions?

If not, thank you very much.

Stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Vaughn.

The CHAIRMAN. Come forward, Mr. Vaughn.

You will be sworn. You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VAUGHN. I do, sir.

**TESTIMONY OF RALPH G. VAUGHN, ACCOMPANIED BY HIS
COUNSEL CECIL D. BRANSTETTER**

The CHAIRMAN. State your name, your place of residence and business or occupation.

Mr. VAUGHN. My name is Ralph G. Vaughn. I live at 2417 Dundee Lane. My occupation is: I am a business representative of local union 327, Nashville, assistant to the business manager.

The CHAIRMAN. That is a teamster's union?

Mr. VAUGHN. Yes, sir.

The CHAIRMAN. You have counsel with you?

Mr. VAUGHN. Yes; I do, Mr. Chairman.

The CHAIRMAN. Mr. Counsel, come forward, please.

Let the record show that the same counsel appears for Mr. Vaughn that appeared for Mr. Smith.

Proceed.

Mr. VAUGHN. Mr. Chairman, I would like to make a formal request here that since there have been some developments, I would like a short recess, please, to discuss with my counsel this problem of testifying here.

The CHAIRMAN. You want a short recess?

Mr. VAUGHN. Just a couple of minutes will be plenty.

The CHAIRMAN. The committee will take a 5-minute recess.

The CHAIRMAN. We will proceed. The committee will come to order.

(Members present at this point were Senators McClellan, McNamara, and Curtis.)

The CHAIRMAN. Mr. Kennedy, you may proceed.

Mr. KENNEDY. Mr. Vaughn, you have been in the local for how long?

Mr. VAUGHN. A member, you mean?

Mr. KENNEDY. Yes.

Mr. VAUGHN. Well, I first joined the teamsters in 1944 and I transferred to Nashville and I have been there since 1945 and I was out for a year or two and then back in in 1949 and I have been a teamster since 1944.

Mr. KENNEDY. Where were you in 1944?

Mr. VAUGHN. Evansville, Ind.

Mr. KENNEDY. Then you transferred over to Nashville?

Mr. VAUGHN. Yes, sir.

Mr. KENNEDY. When did you become an official of the teamsters union?

Mr. VAUGHN. Well, the first time it was sometime in May of 1954 and the exact date, about the 15th I believe. In 1955, February 1, I reported back to the trucking company and then on August 1, 1955,

I came back as a full-time business representative and I have been there ever since.

Mr. KENNEDY. Who hired you as a business representative?

Mr. VAUGHN. Don Vestal, through the approval of the executive board.

Mr. KENNEDY. What is your salary and what financial arrangements have you?

Mr. VAUGHN. Well, approximately, and the reason I am saying that is because there has been a little change just recently, but approximately \$138 a week. It is \$138.80 a week.

Mr. KENNEDY. What do you get as far as expenses are concerned?

Mr. VAUGHN. \$20 a week.

Mr. KENNEDY. That is a flat sum?

Mr. VAUGHN. Yes, sir; that is for incidental expense and, of course, we have travel expense and a car furnished.

Mr. KENNEDY. Your automobile is furnished to you?

Mr. VAUGHN. Yes, sir.

Mr. KENNEDY. And gas for the automobile?

Mr. VAUGHN. Yes, sir.

Mr. KENNEDY. And that is in addition to the \$205 that you receive?

Mr. VAUGHN. Sir, I did not say I received \$205 a week.

Mr. KENNEDY. I thought you said \$185.

Mr. VAUGHN. No; not \$185. \$138.80 is the exact amount but I couldn't say for sure.

Mr. KENNEDY. Then \$20 a week in expenses?

Mr. VAUGHN. That is right.

Mr. KENNEDY. Then you receive the automobile on top of that?

Mr. VAUGHN. Yes, sir.

Mr. KENNEDY. Are there any other expenses that you receive?

Mr. VAUGHN. Well, travel.

Mr. KENNEDY. Any expenses that you have, is that right, you get reimbursed?

Mr. VAUGHN. Yes, sir; except for this \$20. I make sure that that is spent without reimbursement and then any other incidental expense connected with the work of the union, I get that back, yes, sir; by a voucher.

Mr. KENNEDY. By voucher?

Mr. VAUGHN. Yes, sir; approved.

Mr. KENNEDY. Have you ever been arrested, Mr. Vaughn?

Mr. VAUGHN. Yes, sir; I have. I have been arrested, I am sure of that.

Mr. KENNEDY. What is that?

Mr. VAUGHN. I have been arrested; yes, sir.

Mr. KENNEDY. How many times have you been arrested?

Mr. VAUGHN. I don't know for sure. I was arrested 3 or 4 times, I believe, something like that.

Mr. KENNEDY. For what?

Mr. VAUGHN. Drinking and one time on a picket line.

Mr. KENNEDY. All of the other times has been for drinking?

Mr. VAUGHN. I think one was a disorderly deal.

Mr. KENNEDY. An offense of tort?

Mr. VAUGHN. Where it was tied in with drinking. It was back. I don't believe—I haven't been arrested that I can recall right now

since I have been working with the union, excepting the one time on the picket line, I believe.

Mr. KENNEDY. What is that?

Mr. VAUGHN. Excepting for one time on the picket line I believe that is all of the arrests against me since I have been working for the union.

Mr. KENNEDY. You joined the union when, as an official?

Mr. VAUGHN. In 1954 is when I came on. I was out for about 6 months and then back.

Mr. KENNEDY. We have had some testimony here regarding your participating in the beating of Mr. Winslow. Do you know Mr. Winslow?

Mr. VAUGHN. I would like to consult with my counsel, please.

The CHAIRMAN. All right.

(The witness conferred with his counsel.)

Mr. VAUGHN. Your question, sir?

Mr. KENNEDY. We have had some testimony that you participated in the beating of a Mr. Winslow. Mr. Winslow testified before the committee and identified you. Did you participate in his beating?

Mr. VAUGHN. Mr. Counselor, I would like to say this much—

Mr. KENNEDY. Will you answer the question?

Mr. VAUGHN. I certainly intend to answer the question, and that is the reason I had to have this few minutes here. I never have participated in beating that gentleman, and I don't know where he got the information from or the idea that I did.

Mr. KENNEDY. You were not even present?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You never saw him being beaten?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You were not around?

Mr. VAUGHN. I never saw him before in my life to my recollection.

Mr. KENNEDY. And his identification of you is incorrect?

Mr. VAUGHN. As far as I know; yes, sir. I would say he testified here that he may have seen me, but I don't know him, and him identifying me with that deal, it is a case of mistaken identity or untruthfulness.

Mr. KENNEDY. Did you know he was beaten?

Mr. VAUGHN. No, sir; I did not.

Mr. KENNEDY. Nobody ever discussed it with you?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You never knew anything about that?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. Until today, it is a complete surprise to you?

Mr. VAUGHN. Well, I had this conference with my lawyer, and he had the supplemental data of alleged charges, and it was one of them. That said in there that myself and this other gentleman was charged with beating this man.

Mr. KENNEDY. But you never had anything to do with it?

Mr. VAUGHN. I sure haven't.

Mr. KENNEDY. And you never saw it taking place?

Mr. VAUGHN. No, sir; I did not.

Mr. KENNEDY. This is a complete surprise to you, how he could identify you?

Mr. VAUGHN. Yes, sir; I would say that, and I would like for him to be asked again positively for a positive identification.

Mr. KENNEDY. What about Mr. Schroeder? He has identified you, also, as participating in these beatings.

Mr. VAUGHN. I don't know him, and I never have seen him, and I did not have anything to do with that, either.

Mr. KENNEDY. You never had anything to do with that?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. It is all wrong, too?

Mr. VAUGHN. As far as I know, it is, yes, sir. It is just another case of mistaken identity, just like the other one and I don't know anything about either one of them.

Mr. KENNEDY. You never had anything to do with it?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You were not even there, and you did not see it?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You never knew he was being beaten, that is, Mr. Schroeder?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You had nothing to do with it, also?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. And you never received any information on it?

Mr. VAUGHN. No, sir.

Senator CURTIS. Have you ever been present when anyone was beaten in the last period since 1954?

Mr. VAUGHN. Just 1 minute now before I answer that question.

(The witness conferred with his counsel.)

Mr. VAUGHN. I had this one arrest we spoke of a while ago, was in conjunction with the picket line, and on that particular picket line I had a scrap of my own. And other than that, I have never witnessed or have any knowledge of any beatings whatsoever of anybody.

Senator CURTIS. Have you ever been present with W. A. Smith when there was a beating administered?

Mr. VAUGHN. No, sir.

Senator CURTIS. Or a fight of any kind?

Mr. VAUGHN. I don't recall ever being around Smitty when he allegedly got into anything.

Senator CURTIS. Do you know Mr. Canaday, Mr. Perry Canaday?

Mr. VAUGHN. I sure do.

Senator CURTIS. Have you ever been present with Mr. Canaday at any time when there was a beating or a fight of any sort?

Mr. VAUGHN. Just one second, Senator, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. All right, put the question again, please, sir.

Senator CURTIS. Have you ever been present with Mr. Perry Canaday at any time when there was a beating or a fight taking place?

Mr. VAUGHN. I don't ever recall ever having been around him at any time when he allegedly got into any kind of a difficulty or scrap or whatever you would call it. I sure don't. I don't remember any.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. You never heard of any fights of any kind that any of your fellow business agents got into, is that right?

Mr. VAUGHN. Just a minute, Counsellor, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. I don't—you had better give me that question again, please.

Mr. KENNEDY. Would you read it back?

(The pending question was read by the reporter as above recorded.)

Mr. VAUGHN. Well, I would like for you, if it would be possible, to qualify in what respect do you mean "heard." That covers quite a long thing.

Mr. KENNEDY. Did you ever learn about any fights that your fellow teamster officials got into?

Mr. VAUGHN. Well, I have read the newspapers and there is always a certain amount of scuttlebutt going around about this and that, but I don't—

Mr. KENNEDY. Was there much of that scuttlebutt going around the teamsters headquarters?

Mr. VAUGHN. Well, I don't hear very much. I am not around there too much, Mr. Kennedy. I am out, and I have quite a full-time job.

Mr. KENNEDY. You never heard any discussion or you never had any discussion with any of your fellow teamster officials regarding that?

Mr. VAUGHN. I just don't recall it if I did at all.

Mr. KENNEDY. Let us pinpoint it from 1953 on. Did you have any discussions with any of your fellow teamster officials regarding any fights that they might have participated in?

Mr. VAUGHN. Well, from 1953, of course, they would not be fellow business agents because I didn't start until 1954. And cutting that year off of it, that is still a mighty broad time to get up here and testify—just one minute, Mr. Kennedy, please—under testimony and oath testify that I never heard of a subject discussed or what have you. But to my recollection, I haven't, no, sir.

Mr. KENNEDY. What about the siruping of trucks? Do you know anything about that?

Mr. VAUGHN. No, sir, I sure don't.

Mr. KENNEDY. You never had any discussions about that, at the teamster headquarters?

Mr. VAUGHN. Not to my recollection, I sure haven't.

Mr. KENNEDY. You have not?

Mr. VAUGHN. No, sir, I sure haven't, not that I can remember, in any respect.

Mr. KENNEDY. You would remember that, would you not?

Mr. VAUGHN. The chances are I would, but like I said before, Mr. Kennedy, I am under oath and I am—

Mr. KENNEDY. You do not want to give any definite answers, is that right?

Mr. VAUGHN. Not in respect to that because I never have been connected with anything like that and I don't know of anybody that has to my knowledge and I just don't remember about it.

Mr. KENNEDY. And these identifications of you by Mr. Schroeder and Mr. Winslow, are just a question of mistaken identity, is that right?

Mr. VAUGHN. Well, I don't know.

Mr. KENNEDY. Their testimony of identifying you as participating in beating them is untrue, is that right?

Mr. VAUGHN. Yes, sir, I am going to say that because it is, and I would like——

Mr. KENNEDY. You were not even present when a fight took place, is that right?

Mr. VAUGHN. No, sir, and I never heard anything about it and I do not know anything about it, and I didn't know anything about it at all until I read your agenda here, so to speak—the supplemental data—and then Winslow and myself were connected in one of those little skits like, and I have been racking my brain and everything else to try to remember the man's name or anything connected with it. It is not to my ability. I just don't know.

Mr. KENNEDY. While on a picket line, did you ever take your car out and follow any of the trucks and try to pull them over to the side or anything like that?

Mr. VAUGHN. Well——

Mr. KENNEDY. I think you had better consult with your attorney. I do not know whether you had better leave and have another talk with him. You do not want to lie before the committee.

Mr. VAUGHN. Mr. Kennedy, I do not intend to lie and I certainly appreciate you offering me that opportunity.

Mr. KENNEDY. Thank you, Mr. Vaughn.

Mr. VAUGHN. I was just trying to think how many times I have been out behind those trucks because I definitely have, but just one minute, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. In respect to following trucks, we have in the past in the course of picketing trucks, we have followed them and picketed them wherever they stopped on the street or in the alley or anywhere.

Mr. KENNEDY. That is a usual procedure that you follow?

Mr. VAUGHN. Well, I wouldn't say it is a usual procedure, but you asked me if I had followed these trucks and I was trying to truthfully answer the question.

Mr. KENNEDY. That you have?

Mr. VAUGHN. Yes, sir.

Mr. KENNEDY. Now, after you followed them, did you ever pull up alongside and try to pull them over to the side of the road?

Mr. VAUGHN. I don't recall ever attempting to do that. It may have been misconceived or something, but I just don't believe I did, and I just wouldn't say here that I did.

Mr. KENNEDY. What is your answer, yes or no?

Mr. VAUGHN. I am just not going to positively say.

Mr. KENNEDY. You do not want to say anything positive about that?

Mr. VAUGHN. I don't know for sure. That is right. I am going to take your recommendation here and I am going to take a little short recess and talk to counsel, if you don't mind.

Mr. KENNEDY. Are you?

Mr. VAUGHN. Yes.

The CHAIRMAN. The committee will be in recess for 3 minutes. (Brief recess.)

The CHAIRMAN. Mr. Policeman, will you tell Mr. Vaughn that his presence is desired?

The committee will come to order. Resume, Mr. Kennedy.

Mr. KENNEDY. Would you read him the last question?

(The pending question is as follows: "While on a picket line, did you ever take your car out and follow any of the trucks and try to pull them over to the side of the road?")

Mr. VAUGHN. No, sir; I never did.

Mr. KENNEDY. You never did anything like that?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. What would you do, just follow behind them?

Mr. VAUGHN. Just stay close enough to see where they were going because it was just a case of when a truck stopped, to be there with a picket line.

Mr. KENNEDY. You would be there with a picket but you would never go alongside?

Mr. VAUGHN. No.

Mr. KENNEDY. You never do anything like that?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You never yell at the driver?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. Or swear at the driver?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. Nothing like that or threaten the driver?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You would not do anything like that?

Mr. VAUGHN. I just said, let us put it this way, that I don't remember ever doing it.

Mr. KENNEDY. You do not remember doing it. Do you think it is possible you might have done some of that?

Mr. VAUGHN. Do you mean swearing at the people and all, while I was riding along beside them in my car; no, sir.

Mr. KENNEDY. None of that?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. Do you remember in the Keith-Simmons Co., when you were having some difficulties with that company?

Mr. VAUGHN. Well, I remember all of the litigation and the strike. I mean I remember something about all of those things that transpired over a 2- or 3-year period or something like that.

Mr. KENNEDY. I am thinking of 1955, the middle of 1955. Do you remember the Keith-Simmons Co.?

Mr. VAUGHN. Yes, sir.

Mr. KENNEDY. Did you participate in that strike?

Mr. VAUGHN. Not any more than just being the business representative that might drop by and visit with a picket or something like that.

Mr. KENNEDY. You just visited with the pickets?

Mr. VAUGHN. I don't remember ever directly participating in any respect.

Mr. KENNEDY. You never followed any of their trucks?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You never tried pull their trucks over to the side?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. You never did anything like that?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. And if anybody said you did, they were mistaken, just like Mr. Schroeder and Mr. Winslow; is that right?

Mr. VAUGHN. I believe so; yes, sir.

Mr. KENNEDY. Here is an affidavit, Mr. Chairman.

The CHAIRMAN. I have an affidavit from Paul J. Gregory, and the affidavit may be printed in full in the record at this point and I will read you the pertinent parts of it.

(The affidavit is as follows:)

I, Paul J. Gregory, who reside at 1810 Acklen Avenue, Nashville, Tenn., freely and voluntarily make the following statement to James McShane, who has identified himself to me as a member of the staff of the United States Select Committee on Improper Activities in the Labor or Management Field.

No threat, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee:

I have been employed by Keith-Simmon, Inc., for the past 12 years, holding various positions. At the present I am warehouse superintendent. During the period of July 18, 1955, until July 7, 1956, my employer, Keith-Simmons, and teamster local 327 in Nashville, were involved in a labor dispute.

On September 2, 1955, I left the warehouse and drove in my automobile toward the county courthouse here in Nashville. As soon as I left, "Red" Vaughn got into his car and chased me. About one and a half blocks away, he attempted to cut me off, but was not successful. He then pulled his car into the wrong lane of traffic and came up alongside my car and started to curse and abuse me, and wanted me to get out of my car and fight him.

As the traffic light turned green, I continued on my way, making a right-hand turn at the intersection. Vaughn continued on across the intersection, pulled up at the right-hand curb and stopped. I proceeded toward the county courthouse without further incident.

I have read the foregoing statement and to the best of my knowledge it is true and correct.

(Signed) PAUL J. GREGORY.

Witnesses:

LAVERN J. DUFFY.

JAMES MCSHANE.

Sworn to and subscribed before me this 31st day of July 1957.

(Signed) NETTIE F. KINSEY.

My commission expires November 29, 1960.

Mr. KENNEDY. Now, you were in charge of the Whitley Cab Co. strike?

Mr. VAUGHN. Just one minute. Could I have an opportunity to deny all of that?

Mr. KENNEDY. I think you have already denied it.

The CHAIRMAN. Is that affidavit true or false?

Mr. VAUGHN. It is false in all, in whole.

The CHAIRMAN. The whole thing is false?

Mr. VAUGHN. As far as I am concerned, yes.

Mr. KENNEDY. Now we have Mr. Schroeder, Mr. Winslow, and Mr. Gregory, all giving false testimony to the committee. Tell us about Mr. Whitley. Did you conduct that strike at the Whitley Cab Co.? Were you involved in it at all?

Mr. VAUGHN. I was in some of it and I was there part of the time, yes, sir.

Mr. KENNEDY. Now, Mr. Whitley has testified to the fact that the representatives of the union would come up and scare the passengers in his cars and then scare his drivers, and pull up in front of them and

stop their cars suddenly so that the cabs would have to stop. Did you know anything about that?

Mr. VAUGHN. Your question is that he has testified that representatives of the union have done these alleged things?

Mr. KENNEDY. I will get to more specific things later, but now just representatives of the union and I am asking you as a business agent if you knew anything about that?

Mr. VAUGHN. I don't remember anything like that happening, no, sir.

Mr. KENNEDY. You would know, would you not, you would remember it and it is not that long ago. And you would know if it took place, would you not?

Mr. VAUGHN. Well, I don't know anything about that. I just don't recall if it did. Those cabs cover a lot of territory.

Mr. KENNEDY. Do you know from your own personal knowledge or from what any of your fellow teamster officials or fellow teamsters told you, whether that sort of practice was taking place?

Mr. VAUGHN. I just don't recall it at all, and I don't recall.

Mr. KENNEDY. You cannot remember that.

Mr. VAUGHN. I don't remember any kind of conversation like that, no, sir.

Mr. KENNEDY. Do you think it might have taken place? Do you think these kinds of things might have taken place?

Mr. VAUGHN. I just could not say.

Mr. KENNEDY. Did you ever participate in anything similar to this at all, yourself?

Mr. VAUGHN. Excuse me a moment.

(The witness conferred with his counsel.)

Mr. VAUGHN. I don't recall if I ever did, no, sir. I sure don't.

Mr. KENNEDY. This is not a question of recalling. You would know that. I am not asking about a conversation. I am asking you whether you ever participated yourself in the harassment of the drivers from the Whitley Cab Co.?

Mr. VAUGHN. Well, like I said before, I just don't recall and I just don't feel like since that has been such a long time ago, and so much water has been under the bridge, that I could sit here and be under oath and testify.

Mr. KENNEDY. You cannot tell the committee, or you want to leave the record that you cannot tell the committee or deny to the committee that you participated in the harassment of drivers and the harassment of the people that were driving in the cabs.

Mr. VAUGHN. Mr. Kennedy, I don't want to deny any nor admit it.

Mr. KENNEDY. You want to say you don't remember?

Mr. VAUGHN. I want to say that I certainly do not recall it if it has happened.

Mr. KENNEDY. Well, it is 1955. That is not too long ago and don't you frown on that kind of practice, Mr. Vaughn, or do you?

Mr. VAUGHN. Well, your question is covering a lot of ground.

Mr. KENNEDY. Let me just ask you, and this does not cover a lot of ground and I want to ask your personal opinion. Do you approve or disapprove of that kind of practice, as a business agent of the teamsters?

Mr. VAUGHN. Of hazing the people?

Mr. KENNEDY. And the harassment of the drivers, following them and stopping suddenly in front of them and that type of thing.

Mr. VAUGHN. Just excuse me a moment, please.

Mr. KENNEDY. You can turn to your attorney for legal advice. Is that what you are doing?

Mr. VAUGHN. Yes, sir.

Mr. KENNEDY. You want to get legal assistance? I see. All right. (The witness conferred with his counsel.)

Mr. KENNEDY. Consult with him if you want to get legal assistance. (The witness conferred with his counsel.)

Mr. VAUGHN. I believe your question was, did I approve or disapprove?

Mr. KENNEDY. Yes.

Mr. VAUGHN. I don't necessarily approve of it and I don't necessarily disapprove of it. I don't recall ever doing it myself and—

Mr. KENNEDY. For the last 10 minutes you have not given any straightforward answers, Mr. Vaughn. Everything has been qualified and now you don't even know whether you approve of these acts of harassment. And now you don't recall whether you participated in them.

Mr. VAUGHN. Well, that is right, I just don't recall whether I have or not.

Mr. KENNEDY. Your memory seems to have disappeared.

Mr. VAUGHN. No; I still have my memory. But remembering specific instances and what have you—

Mr. KENNEDY. I am not asking you specific instances. I will get to that. But I just want to ask you generally first. Do you approve of your business agents hitting drivers over the head with motorcycle chains? How about that? Do you want to consult with your attorney?

(The witness conferred with his counsel.)

Mr. KENNEDY. Will the record show that he wants to consult with his attorney on that.

(The witness conferred with his counsel.)

Mr. VAUGHN. I want you to ask me the question again, please.

The CHAIRMAN. Read the question to the witness, please.

(The pending question was read by the reporter.)

Mr. VAUGHN. I would like to claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. On something like that; is that right?

The CHAIRMAN. Well, we have testimony here that one of those drivers was beaten up with a motorcycle chain. Now, that is growing out of this union dispute. Do you approve of it or disapprove of it?

Mr. VAUGHN. Excuse me, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Did you ever participate in that kind of a beating yourself?

Mr. VAUGHN. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You do not want to tell the committee whether you participated in the beating of a man with a motorcycle chain; is that right?

Mr. VAUGHN. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. What kind of an organization of goons do they have down there in this thing? How many of you are in it? Can you tell us the number?

Mr. VAUGHN. Excuse me.

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Is it an organized group or are they under your direction as business agent?

Mr. VAUGHN. I claim my constitutional right not to be a witness against myself.

The CHAIRMAN. Go ahead.

(Members of the select committee present at this point in the proceedings: Senators McClellan, McNamara, and Curtis.)

The CHAIRMAN. Go ahead, Mr. Kennedy.

Mr. KENNEDY. We have had some testimony before the committee dealing with that event. Mr. Dicieco testified that he was beaten on the head with a motorcycle chain when two people got in his taxicab. Then these men ran, Mr. Vaughn, they ran, after he turned around and recovered consciousness, they ran and he chased them. He identified Mr. Vaughn's car, as the car they got into.

Can you tell us about that?

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Why did you go to beat Mr. Dicieco?

Mr. VAUGHN. Counsel, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You testified earlier that you never participated, nor never knew, about any violence or any beatings of anyone while you were with the teamsters.

Do you want to change that testimony?

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. In fact, you were present when Mr. Robert Whitley was beaten, were you not, the brother of the owner of the Whitley Cab Co.? That is another matter. Were you not present when he was beaten?

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. I don't understand how you started out so definitely and told the committee you were going to answer all of these questions. You started answering them all, and now suddenly you start hiding behind the fifth amendment, Mr. Vaughn. I don't understand that. You don't want to tell us anything about when Mr. Whitley was beaten up by Mr. Canaday?

Mr. VAUGHN. Let me consult my counsel.

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Are you not proud of your position here, of being asked if you beat up people with chains, and so forth? Then you take the position that you can't say that you did it, or why you were justified in doing it? Are you proud of that position you are taking?

Mr. VAUGHN. Excuse me just one minute.

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Did you actually run after you hit him? You look big and husky. I just wonder whether you really got the courage to fight or not, unless you have all the advantages.

Mr. VAUGHN. May I consult with counsel?

The CHAIRMAN. Yes, you better. I will give you time to consult with him.

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. I just want to go back to this Schroeder incident.

Do you know Mr. Ewing King, of the local?

Mr. VAUGHN. Yes.

Mr. KENNEDY. You do know him. Do you know if he had any conversations with Mr. Schroeder regarding the time Mr. Schroeder was beaten?

Mr. VAUGHN. No, sir, I sure don't.

Mr. KENNEDY. You don't know anything about that?

Mr. VAUGHN. No, sir.

Mr. KENNEDY. Do you know Mr. Ewing King, representing the union, came to Mr. Schroeder and said that the teamsters union would be willing to pay his medical bills, as long as he wouldn't prosecute? Do you deny that you knew that?

Mr. VAUGHN. Just a minute, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. I didn't know anything about it, and still don't.

Mr. KENNEDY. Do you deny that you knew anything about Mr. King visiting Mr. Schroeder and telling him that the teamsters would be willing to pay his medical bills as long as he did not prosecute in this case?

Mr. VAUGHN. As far as I know, I don't know anything about it. I just don't remember ever hearing anything about Ewing King going to anybody and talking to them in that manner.

Mr. KENNEDY. You don't remember it?

Mr. VAUGHN. I would like to say that I just don't have the information here to say that I did know anything about it. I don't.

The CHAIRMAN. You have your memory.

Mr. VAUGHN. Yes, but I—

Mr. KENNEDY. It is not working very well?

Mr. VAUGHN. Excuse me just one moment, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. I just don't know anything about it. Mr. Kennedy. I sure don't.

The CHAIRMAN. Go ahead.

Mr. KENNEDY. So, you were willing to answer all the questions up to the time that we came to the point of you beating somebody over the head with a motorcycle chain from behind; is that right? All the other questions you would answer?

Mr. VAUGHN. Just 1 minute, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, I would like to call Mr. Schroeder back for a moment.

The CHAIRMAN. Mr. Schroeder, come back, please.

TESTIMONY OF LYNN M. SCHROEDER—Resumed

Mr. KENNEDY. Mr. Schroeder, I would like you to look once again at Mr. Vaughn. Did he participate or was he present at the time you were beaten?

Mr. SCHROEDER. He was present at the time I was beaten.

Mr. KENNEDY. And he and three other people were present when you and your companion were beaten; is that right?

Mr. SCHROEDER. There were six in the group.

Mr. KENNEDY. He was one of those that you could identify?

Mr. SCHROEDER. He was one of the group.

Mr. KENNEDY. There is no question in your mind?

Mr. SCHROEDER. No question in my mind.

Mr. KENNEDY. And his testimony that he was not present is not correct; is that right?

Mr. SCHROEDER. His testimony that he doesn't know me, never has seen me, that is untrue, for this reason: They had the picket-line shelter on my lot for a number of weeks.

The CHAIRMAN. Did you see him there a number of times?

Mr. SCHROEDER. Yes; I had.

The CHAIRMAN. And he has seen you?

Mr. SCHROEDER. He has seen me.

The CHAIRMAN. You couldn't be mistaken, then, when he was beating you up?

Mr. SCHROEDER. No.

The CHAIRMAN. You know who it was?

Mr. SCHROEDER. I know who it was.

Mr. KENNEDY. Were you approached afterward by any representatives of the teamsters that they would pay your medical bills?

Mr. SCHROEDER. I was approached by one of the pickets and by Mr. King.

Mr. KENNEDY. Could you tell the conversation that you had about that?

Mr. SCHROEDER. Mr. King came to me and said I was the wrong fellow that got beaten up.

Mr. KENNEDY. Said you were the wrong fellow that got beaten up?

Mr. SCHROEDER. Yes. And, also, if I lost any time, or anything, or had any hospital bills, that the union would take care of me.

Mr. KENNEDY. Did he say anything about prosecuting the case?

Mr. SCHROEDER. No; because we hadn't been taken down to the police department.

Mr. KENNEDY. Did he ask about that, whether you had been taken down?

Mr. SCHROEDER. No; he didn't.

Mr. KENNEDY. But he said that the teamsters would take care of any medical bills or any loss that you might incur from not being able to work; is that right?

Mr. SCHROEDER. That is right.

Mr. KENNEDY. And that was Mr. King?

Mr. SCHROEDER. Mr. King.

Mr. KENNEDY. And you were also approached by a picket, a teamster picket?

Mr. SCHROEDER. By Shorty Richards, who was on the picket line.

Senator McNAMARA. Were the bills, in fact, paid by the teamsters union?

Mr. SCHROEDER. No.

Senator McNAMARA. Were you reimbursed in any manner by the teamsters?

Mr. SCHROEDER. Well, I didn't go and see a doctor.

Senator McNAMARA. You didn't have any expense?

Mr. SCHROEDER. I didn't have any expense.

Senator McNAMARA. All right.

Mr. KENNEDY. Mr. Winslow, would you come forward?

TESTIMONY OF HAROLD A. WINSLOW—Resumed

Mr. KENNEDY. Would you look at Mr. Vaughn again and would you tell the committee whether you are sure that Mr. Vaughn was present at the time that this beating was administered to you?

Mr. WINSLOW. He was present and knows something about it.

Mr. KENNEDY. But there is no question in your mind that he was present?

Mr. WINSLOW. No question in my mind that he was present.

Mr. KENNEDY. That he was present?

Mr. WINSLOW. That he was present.

Mr. KENNEDY. That is all.

TESTIMONY OF RALPH G. VAUGHN—Resumed

Mr. KENNEDY. You still deny both of these?

Mr. VAUGHN. I certainly do. I just don't know one of these fellows. If this other, Mr. Schroeder, says that I know him and he knows me, I don't recollect ever meeting him at all. I want to implicitly deny any connection whatsoever with those particular instances that they are talking about.

Mr. KENNEDY. I would like to summarize your testimony. You started off by saying that you never had any information about any beatings. Your testimony conflicts with 3 different individuals, the sworn testimony of 2 individuals and an affidavit from a third regarding your activities.

On the question of beating another individual, and being present at the beating of another individual, namely, Mr. Whitley, you have

taken the fifth amendment. On the beating of a man with a motorcycle chain from behind, you have taken the fifth amendment, and, on the other acts of violence, you have said that you cannot remember, your memory has failed you. I don't think that is a great record, Mr. Vaughn, to say the least.

Senator CURTIS. Mr. Chairman, I would like to have Mr. Kenneth Whitley come up here. I want to ask him something before Mr. Vaughn leaves the witness stand.

TESTIMONY OF KENNETH M. WHITLEY—Resumed

Senator CURTIS. Mr. Whitley, you testified previously about an assault against you?

Mr. WHITLEY. That is right.

Senator CURTIS. And Mr. Canaday was arrested for it?

Mr. WHITLEY. That is right.

Senator CURTIS. He was found guilty?

Mr. WHITLEY. Yes.

Senator CURTIS. You were present in court when he was tried?

Mr. WHITLEY. Yes.

Senator CURTIS. Where was that court held?

Mr. WHITLEY. A county court, in Nashville.

Senator CURTIS. About when?

Mr. WHITLEY. Around the 1st or the middle of December.

Senator CURTIS. Mr. Vaughn, the gentleman sitting over there at the witness table, did he appear in court that day?

Mr. WHITLEY. He did.

Senator CURTIS. He was a witness for Mr. Canaday?

Mr. WHITLEY. That is right.

Senator CURTIS. Did you hear his testimony?

Mr. WHITLEY. Yes, sir.

Senator CURTIS. Did he testify that he was present and testify as to what happened?

Mr. WHITLEY. Yes, sir.

Senator CURTIS. Mr. Chairman, I wish to point out that earlier today I asked Mr. Vaughn if he was ever present when Mr. Canaday beat anybody or had any fight, and he categorically denied it. Now we find that he was in court and testified in behalf of Mr. Canaday in reference to a situation where Mr. Canaday was convicted.

I have no further questions of this witness.

TESTIMONY OF RALPH G. VAUGHN—Resumed

The CHAIRMAN. What do you want to say about it? You were in court, were you not?

Mr. VAUGHN. Excuse me, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. I am of the opinion through counsel that I have testified, or at least I had said in reference to the question about Mr. Whitley here, that I stood on my constitutional rights in not being forced to be a witness against myself.

The CHAIRMAN. You were not standing on your constitutional rights when you went down there and testified in behalf of Canaday. Did you go down there and testify in behalf of Canaday?

Mr. VAUGHN. Excuse me just a minute, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. If I testified like the Senator said there, I must have misunderstood his question, and I would still like to claim my constitutional rights on all questions surrounding this witness.

The CHAIRMAN. You don't want to admit you beat him up, or were present and participated in it? Is that it?

Mr. VAUGHN. Excuse me, please.

(The witness conferred with his counsel.)

Mr. VAUGHN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. That is all.

Senator CURTIS. I want to ask you this: As business manager of this local union, do you know whether or not funds of that union were used to buy dynamite?

Mr. VAUGHN. Senator, I am not the business manager. I don't have any control over any of the money. That is all I know about it.

Senator CURTIS. Regardless of what your duties are, do you know whether or not the union purchased dynamite?

Mr. VAUGHN. I would like to consult counsel.

(The witness conferred with his counsel.)

Mr. VAUGHN. As I stated here before what my duties were, and my duties didn't include handling any of those finances, to my knowledge I don't know of money being spent—

Senator CURTIS. I don't care about duties involving finances. Did the union buy dynamite?

Mr. VAUGHN. To my knowledge they did not.

Senator CURTIS. They never have?

Mr. VAUGHN. To my knowledge, no, sir.

Senator CURTIS. Did they ever buy sirup?

Mr. VAUGHN. To my knowledge, no, sir.

Senator CURTIS. To your knowledge, what do you mean?

Mr. VAUGHN. Well, I am just saying I don't have any—I never have had any access to anything that indicated that they did.

Senator CURTIS. Do you know of any individual who purchased sirup or dynamite for the union?

Mr. VAUGHN. No, sir. I sure don't.

The CHAIRMAN. Did you submit any bill to the union to reimburse you for dynamite or for sirup?

Mr. VAUGHN. No, sir; I never have. I sure haven't.

Senator McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. Do I understand you are the business manager for local 247?

Mr. VAUGHN. The local is 327, but I am not business manager. I am assistant to the business manager along with 7 or 8 other fellows.

Senator McNAMARA. Then you were not elected as business manager?

Mr. VAUGHN. No, sir; I was hired by the president and business manager with the approval of the general executive board.

Senator McNAMARA. Your term of office doesn't run for any specified time?

Mr. VAUGHN. Not as a business agent; no, sir.

Senator McNAMARA. They can replace you at will. Is that the situation?

Mr. VAUGHN. As far as a business representative; yes, sir. But—excuse me just 1 minute, would you please? I would like to consult counsel.

(The witness conferred with his counsel.)

Mr. VAUGHN. To the best of my knowledge, I am subject to being discharged; yes, sir.

Senator McNAMARA. Mr. Vaughn, would you know whether or not your local is under trusteeship from the international office?

Mr. VAUGHN. Excuse me just a minute.

(The witness conferred with his counsel.)

Mr. VAUGHN. According to my knowledge, sir, we are operating under local autonomy and have been since 1952.

Senator McNAMARA. Before you became an assistant business manager of the local, were you a truckdriver?

Mr. VAUGHN. Yes, sir.

Senator McNAMARA. For how many years?

Mr. VAUGHN. Well, I was a driver for 17 or 18 months, and then, like I said before, I didn't drive, and then I drove—I didn't drive for about 17 or 18 months or a couple of years, and then I started back to driving, and I had about 5 or 5½ years' seniority at this company when I went to work for the union.

Senator McNAMARA. You have been driving for 5 or 6 years total?

Mr. VAUGHN. Well, yes. A little longer than that.

Senator McNAMARA. That is all.

The CHAIRMAN. Is there anything further?

The Chair will announce that the transcript of this testimony here today, particularly that part with respect to Mr. Vaughn, Mr. Whitley, Mr. Winslow, and others whose testimony may be in conflict, will be sent tomorrow, as soon as this record can be transcribed, to the Department of Justice. I have said heretofore in these instances that sometimes it is difficult, we may have to pursue the matter further, but here is one where it is absolutely and diametrically in conflict, 3 witnesses or 4 against 1. Somebody is perjuring himself. We have all kinds of liars and perjurers who come before us. Some are experts and some are amateurs. But this is an instance where it is perfectly clear beyond a peradventure of doubt. Perjury has been committed before this committee.

Those are the orders of the Chair. Get the transcript as promptly as you can.

This is one case where I think the Justice Department can act immediately.

The committee will stand in recess until 10:30 in the morning.

(Thereupon, at 4:45 p. m., the committee recessed, to reconvene at 10:30 a. m., Wednesday, December 11, 1957.)

(Members of the select committee present at the taking of the recess were: Senators McClellan, McNamara, and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, DECEMBER 11, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD.
Washington, D. C.

The select committee reconvened at 10:30 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building. Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Pat McNamara, Democrat, Michigan; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; LaVern J. Duffy, investigator; James P. McShane, investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee at the convening of the session: Senators McClellan and Curtis.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Perry Canaday.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CANADAY. I do.

TESTIMONY OF PERRY H. CANADAY, ACCOMPANIED BY HIS COUNSEL, CECIL D. BRANSTETTER

The CHAIRMAN. State your name, your place of business, and your business or occupation.

Mr. CANADAY. My name is Perry H. Canaday, I live at 507 Joseph Avenue, Nashville, Tenn. Assistant business agent of local 327.

The CHAIRMAN. Do you have counsel, Mr. Canaday?

Mr. CANADAY. I do, sir.

The CHAIRMAN. Let the record show that the same counsel appearing today for Mr. Canaday appeared yesterday for Mr. Vaughn and Mr. Smith.

Mr. KENNEDY. You are an assistant business agent, is that right?

Mr. CANADAY. Assistant business agent, yes.

Mr. KENNEDY. How long have you held that position?

Mr. CANADAY. May I talk to my counsel?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Even for how long you have been a business agent for the teamsters.

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. What is there about that union down there that makes you all ashamed of it?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Are you ashamed of it?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. Now, Mr. Chairman, we have according to some direct testimony before the committee, Mr. Canaday involved in a number of assaults and a number of siruping of trucks. Specifically we have you involved, and you have been identified as participating in the beating with two other men of Mr. Lynn Schroeder.

Could you tell the committee about that?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. There were 2 other people other than yourself that were there, and beat this man?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. That one of you held the man's hair back, and the other one beat him around the face and in the body?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Do you take any pride in a gang of thugs going around beating up a little fellow like that, when he is helpless and defenseless?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Senator CURTIS. I would like to ask Mr. Canaday, there is at least one of these offenses where you have already been tried and sentenced. There is no possible chance that you could incriminate yourself. Will you tell us about that case?

Mr. CANADAY. May I talk to my counsel?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Senator CURTIS. Do you expect to give us any evidence in reference to labor matters in the Tennessee area?

Mr. CANADAY. May I talk to my lawyer, please?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. That same amendment to the Constitution also says that you cannot be tried for the same offense twice. So Senator Curtis was asking you, I believe, about the felonious assault on James T. Bruce, on which you were convicted, I believe?

Mr. CANADAY. May I talk to my counsel?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. There must be something about this. You go around and beat people up. If you have already been tried and convicted on one instance—if there is any justification for this violence, certainly you are the people to give us the information.

If you take this position, I can only assume, and I am sure the public will assume, that you are nothing but a gang of thugs. You want that impression going abroad?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. In addition to the assault on Lynn Schroeder, with two other men, we also have him assaulting another man under which he is under indictment and I won't go into that at this time, but he has been convicted of the assault on James T. Bruce. That is the third matter.

Then there is an assault in December of 1954 on Kenneth Whitley, of which he was convicted and fined \$10.

Is that correct?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Was that part of the functions of an assistant business agent for that local, to go around beating people up? Did you have some companions with you?

Mr. CANADAY. May I talk to my lawyer?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, we have here an affidavit from another individual, who was beaten up by Mr. Canaday.

The CHAIRMAN. Do you know Jack P. Wehby?

Mr. CANADAY. May I talk to my counsel?

The CHAIRMAN. Yes, ask him if you know him.

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. He claims he knows you.

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Well, I will read the body of the affidavit, and the formal parts I will omit and the affidavit will be printed in the record in full.

AFFIDAVIT

I, William E. Wehby, who reside at 2015 Bernard Circle, Apartment 2, Nashville, Tenn., freely and voluntarily make the following statement to LaVern J. Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor-Management Field. No threat, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of this statement to the aforementioned Senate select committee.

My father, Jack P. Webby, Sr., owns and operates the Webby-Mohawk Motor Lines located in Nashville, Tenn. The employees of the company, with the exception of the office workers, have been members of the teamsters union here in Nashville since 1945.

During the year 1955 I was in charge of the maintenance shop of Mohawk Motor Lines here in Nashville. On March 31, 1955, at 11 a. m., while working in the body shop, I saw Perry Canaday, business agent of the teamsters union in Nashville, talking to William J. Mays, a company employee, and Ernest McBride, a contractor who was in the shop at the time.

I walked up to Mr. Canaday and asked him if he would mind carrying out his discussion with the two men in the drivers' room. Canaday turned around, made the remark, "It seems every time I come around here you get nervous and scared." I simply said there was nothing to be nervous about. Suddenly, without warning, Canaday swung at me and hit me in the face with his fist. The blow knocked me off balance and Canaday then attempted to jump on me. About this time Mr. McBride, who witnessed the assault, stepped in and Canaday made the remark, "You might be able to whip me, but there will be a dozen more here shortly to help me."

That is the way you do it, is it?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN (reading):

Canaday then withdrew through the rear door of the shop.

Do you remember that?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN (reading):

After the assault I went immediately across the street and told my brother, Jack Webby, what had happened and he called the sheriff's office. My brother and I then started back across the street toward the maintenance shop when a car drove up and stopped. Canaday, W. A. Smith, and C. B. Richardson, who were also members of the teamsters union, got out of the car and walked toward us.

W. A. Smith, acting as spokesman, was quite angry and began swearing. My brother, Jack, then made the remark that if Smith wanted to discuss the situation they could do it inside in the office. The entire group then went into my brother Jack's office. While in the office W. A. Smith acted very belligerent and attempted to instigate a brawl.

My brother, Jack, went back to his desk and said he was going to make notes of what was going on. About this time the sheriff's patrol arrived. I proceeded to tell the two officers exactly what had happened, also that I wanted Mr. Canaday arrested. At this point Smith made the remark to me, "You are getting pretty brave." He then swore at me in the presence of the officers.

One of the officers advised me that I would have to go down to the courthouse and swear out a warrant before they could arrest Canaday. Canaday, Smith, and Richardson left shortly thereafter, and within a few minutes the police officers also left the premises.

Within a couple hours I contacted my attorney, Mr. Whitworth Stokes, now deceased, and told him exactly what happened. He advised me to swear out a warrant against Canaday, which I proceeded to do.

Prior to the case against Canaday being heard in the local courts, I again talked to my attorney, Mr. Stokes, on the telephone. He advised me that he had talked to Mr. J. Carlton Loser, the attorney general in Nashville, about the incident, and had been told that Mr. Canaday had no previous record and more than likely if Canaday were convicted he would not receive anything more than a small fine.

It was not long after this that I was informed by my attorney that Perry Canaday had written a letter apologizing for his actions on March 31, 1955. However, I have never seen the letter, and I do not know if it was actually signed by Canaday or the union.

Prior to the case against Canaday being tried in the local court here in Nashville, I decided to withdraw the charges. I withdrew the charges primarily

because I knew my father had to deal with the teamsters union in the future, and they would make it difficult for him and the company if I proceeded against one of their business agents. Also, when I was told Canaday would get off with a small fine if convicted, I felt it was not worth the effort to go ahead with the case.

I have read the foregoing statement, and to the best of my knowledge it is true and correct.

WILLIAM E. WEHBY.

Witnesses:

LAVERN J. DUFFY.

LUCY C. TERRELL.

Sworn to and subscribed before me this 16th day of August 1957.

EVELYN POYALTY, *Notary Public*.

My commission expires: February 8, 1958.

Mr. KENNEDY. Mr. Duffy, do you have the police record of Mr. Canaday?

Mr. DUFFY. Yes, sir.

Mr. KENNEDY. Does he have a record?

Mr. DUFFY. He does.

TESTIMONY OF LAVERN J. DUFFY—Resumed

Mr. DUFFY. On January 21, 1946, Canaday was arrested in Nashville for disorderly conduct and he was fined \$5.

On July 7, 1946, he was arrested for disorderly conduct in Nashville and the charge was dismissed.

On July 19, 1948, Canaday was arrested for being drunk on the street in Nashville and he was fined \$5.

April 4, 1955, he was arrested for window breaking at the Bradford barbershop, and also at the Reeds barbershop in Nashville. For this Mr. Canaday was convicted and sentenced to 6 months in jail and fined \$100. He was convicted along with Sam Peters.

On April 27, 1955, Canaday was arrested for being a drunk, and was fined \$5.

On November 28, 1955, Canaday was arrested for felonious conspiracy to commit murder on James T. Bruce. He was convicted for this offense, along with Mr. Richardson, and sentenced to 11 months and 29 days, and fined \$1,000. That case is now pending before the Supreme Court of Tennessee.

On December 12, 1954, he assaulted Kenneth Whitley, and he was fined \$10. We also know that Mr. Canaday assaulted Kenneth Draper on September 22 of this year, and that case is currently under indictment.

Mr. KENNEDY. Mr. Chairman, we have him associated and tied up with five different assaults.

Is that right?

TESTIMONY OF PERRY H. CANADAY, ACCOMPANIED BY HIS COUNSEL, CECIL D. BRANSTETTER—Resumed

Mr. CANADAY. May I talk to my counsel?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Why were you hired as a business agent for the teamsters in the first place?

Mr. CANADAY. May I talk to my counsel?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Are you still in the union?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Would that be a witness against yourself to admit you are in the union?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Have you ever been expelled from the union?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. You are in good standing?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Have you been given any reward or citation from the union for your heroic beating up of people?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Do they issue citations to you when you perform something effectively?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. I might point out, Mr. Chairman, that Mr. Canaday did go to jail for the throwing of rocks through barbershop windows, and while in jail for the 6-month period he was paid by the union, according to records that we have. Isn't that right?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. They pay you for serving a jail sentence, out of union members' dues?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Is that right? I believe I would be ashamed of that, too.

Mr. KENNEDY. Each week his brother went by the union headquarters and picked up the money in cash, and while in jail this witness received, according to the testimony that we have had, preferential treatment.

Is that right?

Mr. CANADAY. May I talk with counsel?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know how that was arranged?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, in addition to the 5 assaults, the breaking of the windows, we also have Mr. Canaday linked to 3 dif-

ferent siruping jobs, 1 with W. A. Smith at Monteagle, Tenn., on February 28, 1955. Those were trucks of the Johnson Motor Lines.

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. According to the direct testimony before this committee, you were involved in that; is that correct?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Then we have you tied up with the siruping of trucks at the Motorent Co. at Nashville, Tenn. Fourteen trucks were siruped on April 20, 1955. Did you participate in that?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And a third siruping with W. A. Smith in the siruping of trucks of the Tennessee-Carolina Co. in Nashville, on November 7, 1954.

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. The records show that 17 different trucks were siruped on November 7, 1954, at the Tennessee-Carolina lot. This is all direct testimony before the committee. Could you tell us what other acts or what other assaults, or what other sirupings, or what other slashing of tires and breaking of windows you participated in.

Mr. CANADAY. May I talk to my lawyer?

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you know about or participate in any of the dynamitings that took place?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you do any of these acts at the direct orders of Mr. Vestal?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. He was the president of the local, was he not, at the time?

Mr. CANADAY. Let me talk to my lawyer.

(The witness conferred with his counsel.)

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Were you hired on the basis of the fact you would be willing to beat people up if you would join with 3 or 4 other people, or you would throw rocks through windows, and sirup trucks, and slash tires? Is that the reason you were hired?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Could you tell the committee who arranged with the barbers union for you to break barbershop windows?

Mr. CANADAY. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. I want to ask Mr. Duffy, have we made arrangements for the head of the barber union to come here before the committee?

Mr. DUFFY. Mr. C. C. Sanders was under subpoena to appear here this morning, and we understand from his doctor that he has had a heart attack within recent months and he cannot appear here this morning.

Could we have that affidavit inserted in the record when it is made available, Mr. Chairman?

The CHAIRMAN. Are you procuring an affidavit from his doctor?

Mr. DUFFY. Yes, saying he is indisposed and he has had a heart attack and he could not be here this morning.

Mr. KENNEDY. We have testimony on that.

The CHAIRMAN. If the man is sick, and that is a fact, of course the committee would not want to impose upon a sick man, if he is not able to come.

The record may so reflect, that the affidavit from his doctor is on file and it is not necessary to publish it in the record.

That is an affidavit stating that his condition is such that he is not able to attend the hearings today.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Stand aside and call the next one.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MARSTON. I do.

TESTIMONY OF BOBBY H. MARSTON, ACCOMPANIED BY HIS COUNSEL, CECIL D. BRANSTETTER

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. MARSTON. My name is Bobby H. Marston, 617 Bell Street, Nashville, Tenn., and I work for the Wagner Corp., Nashville.

The CHAIRMAN. Do you have counsel this morning?

Mr. MARSTON. I do.

The CHAIRMAN. Come around, Mr. Counsel, if you represent these folks. When I excuse one of these, it is not necessary for you to take that long walk.

Let the record reflect the same counsel present.

Mr. KENNEDY. Mr. Marston, have you been doing any work for the teamsters union in Nashville, Tenn.?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Are you part of this goon squad that has been operating out of Nashville?

Mr. MARSTON. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You have been identified already with Mr. Canaday and Mr. Red Vaughn in the beating of Lynn Schroeder, during the B. & S. strike in 1955. Is that correct?

Mr. MARSTON. I claim my constitutional rights not to be forced to be forced to be a witness against myself.

Mr. KENNEDY. Did you participate in the beating of Mr. Schroeder?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Now, according to the testimony of Mr. Schroeder, one man held his head back and the other man beat him and then his companion beat him, and they knocked him to the ground and then stomped on him.

Did you participate in those kinds of activities?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Then we have some testimony that in the assault of Mr. Rasmussen, on May 26, 1953, you also participated in the assault on Mr. Rasmussen. Is that right?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Once again, you had two companions with you, W. A. Smith and Red Vaughn, who participated in the beating of Mr. Rasmussen?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. According to the testimony, this assault was set up by Mr. Don Vestal, president of your local?

Mr. MARSTON. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Who is the captain of this goon squad? Are you the captain?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Or are you just a buck private?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. In addition to this direct testimony that we have on these two assaults, we also have you involved in a number of sirupings.

Did you sirup trucks for the union?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Were you siruping the trucks of the Beatrice Food Co. in the Nashville area in 1953?

Mr. MARSTON. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And then you went to Charlotte, N. C., with Sam Peters to help organize the Tennessee-Carolina Truck Co.?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you participate in some sirupings in North Carolina?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Are all of you goons in good standing down there in that local?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. They never take any action against you for these offenses, do they?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You never have been expelled, have you?

Mr. MARSTON. I didn't understand that question.

The CHAIRMAN. You never have been expelled from the local, have you?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Have you been suspended by the local?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Have you been reprimanded for these acts of violence you have been committing by the local?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. I do not think that you have. I think that you could say you have not. I think you were hired to do that.

If I were you, I would be proud of it, if you are as brave as you pretend. Are you not prond of it?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Are you ashamed of it?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Go ahead.

Mr. KENNEDY. I want to ask you about another matter.

On March 19, 1956, you were arrested in Franklin, Ky., for hit-and-run driving, and illegal possession of a gun; is that right?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. The records show that, and the records show that you were fined and that your gun was returned to you, is that right?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Were you encouraged to carry a gun by the teamster officials?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you know it was illegal to carry a gun and you could not get a permit in the State of Tennessee?

Mr. MARSTON. Let me consult my counsel.

(The witness conferred with his counsel.)

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. The records show that your fine and your lawyer's fees amounted to \$455; is that right?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you pay that out of your own funds, \$455?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. The union would not be condoning you in a hit and run, and then carrying a gun, would they?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did the union pay that \$455 fee?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Was the money withdrawn from the union and charged to organizing expenses?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Is not that correct, that a check for \$500 was withdrawn, and was turned to cash, and \$455 out of this \$500 was used to pay for your lawyer's fees and for your fine for this hit-and-run offense, and for carrying a gun?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do we have any information on that?

Mr. Chairman, I would like to ask him about this check.

The CHAIRMAN. Do you know Edward Smith?

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. I hand you here a photostatic copy of a check dated August 20, 1956, made payable to Edward Smith, in the amount of \$500, which shows it is for organizational expenses and drawn on the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers, Local 327, and signed "Edward Smith."

I will ask you to examine that check and see if you can identify it.

(A document was handed to the witness.)

Mr. MARSTON. May I consult my counsel?

The CHAIRMAN. All right.

(The witness conferred with his counsel.)

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. I want to ask you something: not what you did with that check; that would incriminate you—but is that check taken from funds that have to be paid in by workers who have to keep on paying and paying into an outfit like yours or lose their jobs?

Mr. MARSTON. I would like to consult my counsel.

(The witness conferred with his counsel.)

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. I think, of all of the people that have suffered by the wrongdoing here, it is the people that have to pay for it and tolerate it and have their own reputations damaged by such conduct. I think if they had a chance to get out of it, and stop paying for it, they would be glad to do so.

That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

That check may be made exhibit No. 19.

(Document referred to was marked "Exhibit No. 19" for reference and will be found in the appendix on p. 7505.)

The CHAIRMAN. You did examine the check, did you?

Mr. MARSTON. May I consult my counsel?

The CHAIRMAN. Well, hurry up.

(The witness conferred with his counsel.)

Mr. MARSTON. I looked at the check.

The CHAIRMAN. You have examined it?

Mr. MARSTON. I looked at the check.

The CHAIRMAN. You looked at it enough so that you could identify it if you wanted to?

Mr. MARSTON. I looked at the check.

The CHAIRMAN. You heard my question. I am ordering you to answer. You looked at it sufficiently to identify it if you wanted to; did you not?

Mr. MARSTON. Let me consult my counsel.

The CHAIRMAN. Well, hurry.

(The witness conferred with his counsel.)

Mr. MARSTON. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. The check will be made exhibit 19.

Mr. KENNEDY. Now, Mr. Chairman, this check was made out to Ed Smith, who is the treasurer of local 327. He has been interviewed by Mr. Duffy, of the staff of the committee. He was expected to be a witness but unfortunately became ill, and we excused him. But Mr. Duffy can testify as to what Mr. Smith told him.

TESTIMONY OF LaVERN J. DUFFY—Resumed

Mr. DUFFY. Mr. Smith advised me that this check was drawn on teamster local 327 in Nashville in 1956, to pay the legal fees and the fine for Mr. Marston, who got in trouble in Franklin, Ky.; \$455 was used of the \$500 and the remainder was returned to the union. He said he himself withdrew this money and paid his attorney fees and the fine.

Mr. KENNEDY. The money was for what?

Mr. DUFFY. For attorney's fees and for the fine of Mr. Marston.

Mr. KENNEDY. Does he have a police record?

Mr. DUFFY. Yes; he has, Mr. Kennedy.

Mr. KENNEDY. Would you summarize it?

Mr. DUFFY. In 1946, he was arrested in St. Louis, Mo., for assault and battery and resisting arrest, and fined \$100.

In 1946, he was arrested in Biloxi, Miss., for assault, and he was turned over to the military police.

In 1946 he was arrested in Tampa, Fla., for assault, and turned over to military police.

In 1946, he was arrested in Tampa for assault and battery, and again turned over to military police.

In 1947, he was arrested in Lawrenceburg, Tenn., for assault and drinking. He was fined \$50 and costs.

In 1948, he was arrested at Lawrenceburg, Tenn., for speeding, and he was fined \$5 and costs.

In 1952, he was arrested at Winchester, Tenn., for assault and battery; fined \$10 and costs.

In 1952, arrested in Fayetteville, Tenn., for assault and battery; warned and released.

In 1953, he was arrested in Nashville, Tenn., for the assault and battery on Mr. Walter Rasmussen, and the charges were withdrawn, and we have had testimony that Mr. Rasmussen withdrew those charges.

In 1956, he was arrested in Franklin, Ky., for hit-and-run driving and an illegal possession of a gun. He was fined, and the gun was returned to Mr. Marston.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

You may stand aside, Mr. Duffy. Call the next witness.

Mr. KENNEDY. Mr. William J. Reynolds.

The CHAIRMAN. Will you be sworn?

You solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REYNOLDS. I do.

TESTIMONY OF WILLIAM J. B. REYNOLDS, ACCOMPANIED BY HIS COUNSEL, WILLIAM A. REYNOLDS

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. REYNOLDS. My name is William J. B. Reynolds. I reside at 801 Max Avenue, Knoxville, Tenn., and I work for the Jack Coal Co. in Birmingham.

The CHAIRMAN. Do you waive counsel?

Mr. REYNOLDS. No; I have counsel.

The CHAIRMAN. Will you identify yourself for the record?

Mr. WILLIAM A. REYNOLDS. William A. Reynolds, Bank of Knoxville Building, Knoxville, Tenn.

Mr. KENNEDY. Mr. Reynolds, you used to be president of local 621 of the teamsters in Knoxville?

Mr. REYNOLDS. Did you ask me a question?

Mr. KENNEDY. I asked you a question.

Mr. REYNOLDS. I didn't hear the question.

Mr. KENNEDY. You used to be president of the local 621 of the teamsters in Knoxville, Tenn.?

Mr. REYNOLDS. Let me talk to my counsel, please.

Mr. KENNEDY. All right.

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Would it be testifying against yourself to admit you were president of a labor organization?

Mr. REYNOLDS. I claim my constitutional rights.

The CHAIRMAN. Don't you think that is a slam against your union and the men that belong to it and work and pay their dues into the organization?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Do you want to smear them like that and leave the record that way?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Senator CURTIS. I would like to ask him this question: Would it be possible for someone to be president of that union and carry out the policy of the union without incriminating themselves?

Mr. REYNOLDS. Can I talk to counsel, please?

Senator CURTIS. Yes; I would like to get his idea.

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Senator CURTIS. That is all.

Mr. KENNEDY. Mr. Chairman, we have had testimony from Mrs. Freels that Mr. Reynolds was president of that local in Knoxville, Tenn., local 621, and that he participated and talked about various act of violence that occurred in the Knoxville area.

Is that right, Mr. Reynolds?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And when there was going to be difficulty—dynamitings or shootings—that he made a telephone call over to W. A. Smith or Mr. Vestal in Nashville, or to Glenn Smith in Chattanooga, and arranged for some people to come over and assist him.

Is that right, Mr. Reynolds?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know Glenn Smith of the Chattanooga local?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know Don Vestal of the Nashville local?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You participated yourself in some dynamitings, did you not?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. We have had some testimony regarding the Ajax warehouse dynamiting that occurred in May of 1954. Did you participate in that, in Nashville?

Mr. REYNOLDS. Can I talk to my counsel?

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you and Mr. W. A. Smith participate in the dynamiting of that warehouse?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Then we have you identified with some shootings, namely, the shooting of the two B. & S. trucks in June of 1954, in Knoxville area.

Did you participate in the shootings of those 2 trucks, 1 at 11:15 at night, and 1 at 11:45, on the night of June 12, 1954?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You and Mr. W. A. Smith went out to shoot these trucks up, by mistake you shot Mr. W. A. Smith in the elbow; is that correct?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And Mr. W. A. Smith ended up in the hospital and you sent him flowers at union expense.

Mr. REYNOLDS. I claim my constitutional rights not to be a witness against myself.

Mr. KENNEDY. Did you participate in those shootings?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. We also understand you kept a gun in the safe at the headquarters of local 621; is that right?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Now, during the B. & S. strike in 1954, there were some 17 or 18 different instances of having their trucks shot at. Did you participate in any of those?

Mr. REYNOLDS. Which strike do you mean?

Mr. KENNEDY. B. & S. If it is "which strike," any strike, let us put it that way first.

Mr. REYNOLDS. I claim my constitutional rights not to be a witness against myself.

Mr. KENNEDY. How about the B. & S. strike? Did you participate in any of the shootings of the B. & S. trucks?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Then from what testimony we have had before the committee, you were a little upset because you had to pay for some of the dynamite that you used, and you had to pay for it out of your own pocket. So you complained about it and were reimbursed for \$50 for purchasing of the dynamite; is that right?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Then in addition to these dynamitings and having the gun in your office and the shootings, we have you tied with the siruping of trucks.

Did you sirup any trucks while you were president of local 621?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. For instance, did you participate in the siruping of the trucks of the Huber & Huber Co.?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Now, were you told by Clarence Mendoza, the international organizer, that if you were able to stay out of the pen for a year, that they would be able to get you your job back or a job with a new local?

Mr. REYNOLDS. May I talk to my counsel, please?

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. What is your present occupation?

Mr. REYNOLDS. May I talk to my counsel?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. REYNOLDS. I work for the Jack Coal Co., in Birmingham, a freight company.

The CHAIRMAN. Are you trying to stay out of the penitentiary for the next year?

Mr. REYNOLDS. May I talk to my counsel?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Senator CURTIS. How would an answer of "yes" incriminate you?

The CHAIRMAN. I hope it keeps you busy.

Senator CURTIS. I would like to ask him, how would an answer of "yes," the fact that you are trying to stay out of the penitentiary, incriminate you?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Is this all pretty funny to you, Mr. Reynolds?

The CHAIRMAN. I think it is ceasing to be funny.

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. In addition to the dynamitings and the sirupings and the shootings, dynamitings that I have mentioned, we also have you tied up with the dynamiting of the Purity Packing Co.

Did you dynamite that place or participate in the dynamiting of any of those trucks?

Mr. REYNOLDS. May I talk to my counsel?

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself?

Mr. KENNEDY. And you participated in the dynamitings of the Newman-Pemberton truck; is that right?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. What about this: We have had some testimony regarding the conversation you had with Mr. Powers that preceded the Powers grocery store being dynamited in September of 1956. Do you know anything about that?

Mr. REYNOLDS. Let me talk to my counsel, please.

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Then do you know anything about Mr. W. A. Smith being there on the scene at the time this dynamiting took place?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Then we understand that you were having some difficulty among one of the members of your local, that he was raising questions about the administration of the local, and how it was being run. So you arranged for a former boxer to come over from Nashville, and have him beaten up. Is that right?

Mr. REYNOLDS. Let me talk to my counsel.

Mr. KENNEDY. All right.

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You brought Corky Ellis over from Nashville, Tenn., into Knoxville to beat Eugene Evans up because he was asking embarrassing questions at the union meetings?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Is that a procedure that you usually follow, Mr. Reynolds?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Anybody that raised questions with you about your administration of the local, you would have them beaten up?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Any company that was causing you trouble, you would have them dynamited or have their people shot at, is that right?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Possibly if they weren't quite serious, you would just put sirup in their trucks and try to ruin the trucks?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Is that the teamster union policy?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And we understand according to the testimony before this committee that the sirup and the dynamite and the sugar for the trucks was all purchased at union expense; is that right?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did all of the rank and file members know you were making these purchases with their dues?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Will you tell us anything about the administration of the local while you were the head of it?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You are proud of the time that you were president of the local of the teamsters?

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. How did you become president of the local, Mr. Reynolds?

Mr. REYNOLDS. Can I talk to legal counsel on that?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. REYNOLDS. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any questions?

All right, stand aside. Call the next witness.

Mr. KENNEDY. Mr. Red Hoover is the next witness.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOOVER. I do.

TESTIMONY OF L. M. HOOVER, ACCOMPANIED BY HIS COUNSEL, GLADSTONE WILLIAMS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. HOOVER. L. M. Hoover, 149 Arbet Hill Drive, Jackson, Miss.

The CHAIRMAN. What is your business, Mr. Hoover?

Mr. HOOVER. What is the question?

The CHAIRMAN. What is your business or occupation?

Mr. HOOVER. Business agent for teamsters local 891, Jackson, Miss.

The CHAIRMAN. Do you have counsel?

Mr. HOOVER. Yes, sir; I do.

The CHAIRMAN. Counsel, will you come around, please?

Mr. KENNEDY. Aren't you president of that local also?

Mr. HOOVER. President and business representative.

The CHAIRMAN. Counsel, identify yourself for the record.

Mr. WILLIAMS. Gladstone Williams, Clinton, Miss.

Mr. KENNEDY. How long have you been president of local 891 in Jackson, Miss.?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You won't even tell us how long you have been president?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Would the record show how long he has been president?

Mr. KENNEDY. We have not been able to get any cooperation from that local so far, Mr. Chairman.

Could you tell us how you became president of the local?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Now, Mr. Chairman, the reason this witness has been called is that we had information and we put it in the record, according to sworn affidavits, that on January 9, 1956, there were two telephone calls made from this local by Mr. Hoover and his wife to Mr. Don Vestal, Nashville, Tenn., asking for help in an organizational drive.

Could you tell us if that is correct, Mr. Hoover?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Two days later, according to the investigation that we have made down in Jackson, Miss., W. A. Smith, "Hard Hearing Smitty," appeared in Jackson, Miss., and was seen on the picket line and in the union hall. Is that right?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. At that same time, Mr. Glenn W. Smith, president of the Chattanooga Local 515, who will be a witness next week, came down to Jackson, Miss., and was seen in the presence of W. A. Smith.

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. I would like to point out Glenn W. Smith is president of joint Council 87 of Tennessee, which also encompasses part of Kentucky, and a very important figure.

Do you know Mr. Glenn W. Smith?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know W. A. Smith?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know Don Vestal?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Mr. Hoover, you have a right to claim the fifth amendment and make use of it. But when you walked up to the witness stand I looked at you and I thought I was going to see for once a little change in what is unfolding here. I received the wrong impression, but I thought, "There is a man now who is going to come up here and testify that he is honest and truthful." You give that appearance.

Is there something about this whole thing that is so involved and so reprehensible that a man like you can't tell what he knows without incriminating himself?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Well, sometimes I misjudge people, and I certainly misjudged you when you walked up to the witness stand. I looked at you in contrast to some who preceded you. It was pretty obvious when you looked at some people, what they are. But I'll declare, you certainly deceived me. I was mistaken.

Proceed.

Mr. KENNEDY. Mr. Chairman, the difficulty that local 891 of the teamsters was having was with the Southland Cotton Oil Co. mill that is located at 1000 Mill Street in Jackson, Miss.

Is that right, you were having difficulties with that company in January of 1956?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Weren't you having around-the-clock picketing on that company?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And didn't you discontinue that round-the-clock picketing on January 13, 1956?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Wasn't that just a couple of days after W. A. Smith and Glenn Smith arrived in the area?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And wasn't there a dynamiting that took place of that company on January 15, 1956, at approximately 11:20 p. m.?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Wasn't that approximately 4 days after the two Smiths arrived from Tennessee?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And didn't that dynamiting destroy two 300,000 gallon oil tanks?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Wasn't the damage approximately \$35,000?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Wasn't there another dynamiting in Tallulah, La., a mill of the same company, approximately an hour later?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And there a cottonseed storage tank was dynamited?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And the loss being \$1,600; is that right?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Weren't people told prior to this time, prior to the time of the dynamiting, that Mr. Smith, or the Smiths, were brought down there for that purpose, to perform that task?

Mr. HOOVER. May I consult my attorney, please?

(The witness conferred with his counsel.)

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Will you tell us anything about the dynamiting that I mentioned here?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Could you tell us who purchased the dynamite?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. That is all.

Senator McNAMARA. I would like to ask the witness a couple of questions.

Is your local under trusteeship from the international union now?

Mr. HOOVER. I claim my constitutional rights not to be forced to be a witness against myself.

Senator McNAMARA. Are you a United States citizen?

Mr. HOOVER. May I consult my attorney, please?

Senator McNAMARA. Don't you know?

(The witness conferred with his counsel.)

Mr. HOOVER. Yes.

Senator McNAMARA. You are a United States citizen?

Mr. HOOVER. Yes, sir.

Senator McNAMARA. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

If not, stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Don Vestal.

If you have an attorney, would you bring him up with you?

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VESTAL. I do.

**TESTIMONY OF DON VESTAL, ACCOMPANIED BY HIS COUNSEL,
L. N. D. WELLS, JR.**

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. VESTAL. My name is Don Vestal. I live on Grey Avenue, Madison, Tenn., and I am president and business manager of local union 327.

The CHAIRMAN. Mr. Counsel, will you identify yourself for the record again?

Mr. WELLS. My name is L. N. D. Wells, Jr., and my office is in Dallas, Tex.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. Do you have any other position in the teamsters, Mr. Vestal?

Mr. VESTAL. May I consult counsel?

(The witness conferred with his counsel.)

Mr. VESTAL. Yes; I am secretary-treasurer and director of joint council No. 87.

Mr. KENNEDY. How long have you held that position?

Mr. VESTAL. Let me consult counsel.

(The witness conferred with his counsel.)

Mr. VESTAL. Well, off and on for about 5 years.

Mr. KENNEDY. How do you get that position? Were you appointed or elected, or what?

Mr. VESTAL. I was elected.

Mr. KENNEDY. Elected by whom?

Mr. VESTAL. I was elected by the delegates to the joint council.

Mr. KENNEDY. And each local has how many delegates to the joint council?

Mr. VESTAL. Seven.

Mr. KENNEDY. They elected you as secretary and director?

Mr. VESTAL. Yes, sir.

Mr. KENNEDY. And you are elected as president of local 327, too?

Mr. VESTAL. Excuse me.

(The witness conferred with his counsel.)

Mr. VESTAL. Yes.

Mr. KENNEDY. You were elected to that position?

Mr. VESTAL. Yes.

Mr. KENNEDY. Did you have any opposition when you ran for secretary and director of the teamster joint council?

Mr. VESTAL. Let me consult counsel.

(The witness conferred with his counsel.)

Mr. VESTAL. Yes.

Mr. KENNEDY. You did have opposition?

Mr. VESTAL. Yes, sir.

Mr. KENNEDY. Mr. Glenn W. Smith is president of joint council 87, as I understand it.

Mr. VESTAL. Excuse me.

(The witness conferred with his counsel.)

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know Glenn Smith?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Have you worked with Glenn Smith on many things?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Could you tell the committee any of your background? Can we go back to 1940. Can you give the committee any of your background, what you have been doing?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. How long have you been in the teamsters union?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Were you a member of the Communist Party prior to coming in?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Were you a member of the Communist Party in Texas?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Were you in the International Longshoreman's Union?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you leave the Communist Party in 1946?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Were you elected chairman of the Fort Worth, Tex., branch of the Communist Party in 1945?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Then you came into the teamsters union from the Longshoreman's Union?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Have you been arrested at all, Mr. Vestal?

Mr. VESTAL. Excuse me.

(The witness conferred with his counsel.)

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Were you arrested in 1947 for assault with intent to commit murder?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You were finally convicted of assault and battery, were you?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And you paid a fine; is that right?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. I would like to ask you about the activities of your local in Nashville, Tenn. Will you tell us anything about that?

Mr. VESTAL. Excuse me.

(The witness conferred with his counsel.)

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Were these people such as W. A. Smith hired and put on the teamsters local payroll in order to go around and beat up people and to dynamite firms?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Was that part of the policy, to sirup trucks and to dynamite trucks?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Mr. Vestal, you have been here 2 or 3 days and you have heard this testimony that is absolutely scandalous in a civilized country. Can you tell us any one good thing that is going on down there in your local? Can you tell us one good decent thing?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. You see the impression you are leaving here on this record, and all over the country. I asked you a question, if you could tell us one decent thing that your local is doing in that area. Now, can you name one?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Do you want to leave the record that way, with that implication in it?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. All right, you are leaving it that way.

Mr. KENNEDY. Do you know W. A. Smith, the business agent?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know Red Vaughn?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Perry Canaday?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you give the instructions for these dynamitings?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Are you familiar with the difficulties the union had with the Beatrice Food Co.?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you arrange for Harold Rasmussen of that company to be beaten up by W. A. Smith and Robert Marsten?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you arrange for Big Ivey, James Ivey, to beat some of the milk drivers up in Shelbyville?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Now Canaday was indicted and convicted for throwing rocks through barbershop windows, and he was sent to jail. While in jail, he received preferential treatment. Did you make those arrangements?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. He received, according to the affidavit from his brother, money while in jail from the teamsters union.

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And yet the teamsters records do not reflect those payments being made to Mr. Canaday. Can you explain that to us?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Are those teamster records accurate?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. When he came out of jail, and prior to being sent to jail, Canaday was indicted for an assault with intent to kill. Then he served his time in jail, he came out and was kept on the payroll. Is that part of your policy, and did you approve of that?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. If that was done, you had the responsibility for it as president of the local, did you not?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. You would have the responsibility?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. In fact, in a meeting that you held of the directors of that union down there, you made a statement to the effect that

anybody that got in difficulty, or anybody that was involved in any violence, their legal fees and other fees should be paid by the teamsters union; did you not?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You said that otherwise, your representatives would feel they couldn't do anything when a strike came along; is that right?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you not point out that there was one local in Oklahoma City where they had a strike and there was some violence which took place, and a man who participated was indicted and later convicted, and the union failed to pay his legal fees, and that you felt that that union would not receive support from the people there? And therefore when something like this happened in Tennessee you were going to give them full support.

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You condoned all of those things; did you not?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you have any arrangements with any officials, public officials in Tennessee, in connection with this?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Now here is something: We have some minutes from one of your local meetings, October 16, 1955, and it says:

Brother Vestal gave a list of phone numbers we could use to tie up the phones at the International Harvester, thus cutting off their only line of contact with their customers.

Was that one of the methods you used?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You arranged for these beatings and you arranged to cause these difficulties and the dynamitings and the siruping of trucks, and you made all of those arrangements?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You were president of the local when all of this was taking place?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. How did you arrange for the dynamite to be purchased?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You are a very important figure in the teamsters union, Mr. Vestal?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Is that part of the policy that you were carrying out, under that union?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You are very highly thought of by some of the highest officials in the teamsters union.

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. And you are a close associate of Mr. Hoffa; are you not?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Didn't you make speeches recommending his election?

Mr. VESTAL. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions?

Senator McNAMARA. Mr. Vestal, have you been a candidate for public office at any time?

Mr. VESTAL. Excuse me.

(The witness conferred with his counsel.)

Mr. VESTAL. No.

Senator McNAMARA. Are you an American citizen?

Mr. VESTAL. Yes, sir.

Senator McNAMARA. That is all.

The CHAIRMAN. Are there any further questions?

All right, stand aside.

Mr. KENNEDY. Mr. Chairman, we have had the president of the local in Nashville, and the former president in Knoxville, and the president in Jackson, Miss., and these other teamster officials. We will go into a new phase of the activities in Tennessee when we reopen next week.

The CHAIRMAN. I only want to make this comment at this time: In spite of the sordid story that has been unfolded here about certain unions and union officials in Tennessee, I do not believe that the honest, decent working people who have to belong to these unions condone these acts of violence and the conduct that these officials apparently carried on. I think that they are in a sense captives, and I believe if they had their way about it, and if they could do so, and were given an opportunity by election or other process, they would repudiate this story that has been revealed here.

Although there are a few dishonest and disreputable characters who get to be officials in unions, and we have them get in other places too, and that is not the only place, I still believe that the rank and file of the American working people who belong to unions are honest, decent, and good citizens and that they condemn just as much as this committee does, some of these practices that have been revealed to us.

The committee will stand in recess until 2 p. m., next Tuesday. At that time the committee hearing will be held in the Old Supreme Court Room in the Capitol.

(Thereupon, at 11:45 a. m., the committee recessed, to reconvene at 2 p. m., Tuesday, December 17, 1957.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, DECEMBER 17, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee reconvened at 2 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Carl T. Curtis, Republican, Nebraska;

Present: Robert F. Kennedy, chief counsel; LaVern J. Duffy, investigator; James P. McShane, investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan and Ives.)

The CHAIRMAN. Call the first witness.

Mr. KENNEDY. We have had some testimony regarding some violence that took place in Florida in connection with Mr. Glenn W. Smith, and I would like to call as the first witness, Mr. Joseph W. Morgan, who is an organizer for the teamsters, and he holds certain other positions in the Florida area, and specifically in the Miami area.

The CHAIRMAN. Mr. Morgan, come around, please.

Do you solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MORGAN. I do.

TESTIMONY OF JOSEPH W. MORGAN, ACCOMPANIED BY HIS COUNSEL, L. N. D. WELLS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. MORGAN. My name is J. W. Morgan, and I am a general organizer for the International Brotherhood of Teamsters and my address is 515 Northeast 178th Street, in North Miami Beach, Fla.

The CHAIRMAN. Thank you very much.

Mr. Counsel, will you identify yourself for the record?

Mr. WELLS. Yes, Mr. Chairman. My name is L. N. D. Wells, Jr., and my address is 1610 National Bankers Life Building, Dallas, Tex.

Mr. KENNEDY. Mr. Chairman, what we are interested specifically in were two acts of violence that occurred in 1954 when Glenn Smith was in the Miami area.

One was in connection with the Acme Concrete Co., where first there was a dynamite explosion in March of 1954, in which there was no damage, and later on August 29, 1954, there was another plant that was dynamited with the damages estimated at approximately \$50,000.

At that time, local 390 of the teamsters was attempting to organize that company. Later on, local 79 of the teamsters in Tampa, Fla., was attempting to organize the Hunt Truck Lines, and a fire broke out in April of 1954 at the Hunt Truck Lines under very suspicious circumstances, and the damage there was estimated to be \$25,000.

Now, Mr. Morgan held a position of responsibility with these unions during this period of time.

The CHAIRMAN. Did he represent both unions as a general organizer?

Mr. KENNEDY. I would like to get from him his positions with the teamsters union, since he entered the teamsters union, I believe, in 1950. Is that right, Mr. Morgan?

Mr. MORGAN. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Did you hold any position in local 79 in Tampa, Fla.?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. We do not want to force you; will you not just volunteer and be nice about it? Will you tell us the information that you have, and help the Congress a little?

Mr. MORGAN. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, we do not have any information specifically linking Mr. Morgan himself with any of these acts of violence. However, we do have information that a good number of his colleagues were involved.

Now, according to the information that we have, Mr. Morgan was an international organizer for a period of time, and then he became an organizer for the Southern Conference of Teamsters. Since November of this year he has been an organizer for the Southern Conference of Teamsters, and he gets a salary of about \$12,000 a year plus expenses.

Is that right?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you not think that reflects on your union? How can anyone listen to you folks come up here and repeatedly, when we go to inquiring into something about the union's activities, you feel you are compelled to take the fifth amendment? Do you not think it reflects on your union?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Now, Mr. Chairman, we have affidavits which are sworn to, and we have Mr. Morgan involved in negotiations with the Acme Co., and with the Hunt Truck Lines during this period of time

that the violence took place. He was associated in these negotiations with Mr. Glenn W. Smith.

Is that right?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Is Glenn W. Smith a "goonster" from Chattanooga and one of the teamsters officials?

Mr. KENNEDY. That is right.

The CHAIRMAN. You do not need to take the fifth amendment on that. It is already established. I will save you that much.

Mr. KENNEDY. Mr. Chairman, we have information that Mr. Morgan was associated with local 79, of Tampa, Fla., from 1954 to 1956, that he was secretary-treasurer of local 390 of Miami, Fla., and I believe he still holds that position.

He was secretary-treasurer of local 320, of Miami, Fla. We are going to be discussing briefly now, this local 79, in Tampa, Fla., and 390, in Miami, and 320, in Miami, Fla.; and another local, 290, in Miami, Fla.

Do you know anything about local 290, Mr. Morgan?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you hold these other positions in the locals that I have mentioned; the other three locals?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. I would like to discuss with you local 390. Can you tell us if local 390 is under trusteeship?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You are presently secretary-treasurer of that local?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Wasn't this the local that was presided over by Glenn W. Smith in 1954 and in 1955?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And after he left, wasn't a Mr. Ernie Belles made the head of that local?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Now, Mr. Belles was formerly president of International Brotherhood of Teamsters Local 375, in Buffalo; isn't that correct?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know how he came to the position as head of local 390 in Miami after coming out of Buffalo?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Now, wasn't he ousted from the Buffalo, N. Y., local by the rank-and-file members?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Wasn't he accused at that time by the rank-and-file members of having embezzled \$38,500?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And didn't the members of the local which ousted him receive assurances from the international that he would never more be associated with the teamsters, after they produced this evidence?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And wasn't he fighting to retain his position in Buffalo and the man that took over from him, a man by the name of Clayton, found some dynamite in the hood of his car at the time Mr. Belles was having a fight with him?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And he was nevertheless appointed after he was kicked out of the Buffalo, N. Y., local as head of this local 390 down in Miami; is that right?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And you were made the secretary-treasurer?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You are secretary-treasurer of a labor organization, a local? Does that tend to incriminate you? What is there about this thing that is so incriminating?

Mr. MORGAN. Can I consult my attorney?

The CHAIRMAN. I would be glad to get his advice on it, and yours, too.

(The witness conferred with his counsel.)

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, I would just like to say on Mr. Belles that we had this information that he was involved in the embezzlement of this \$37,000 or \$38,000.

The CHAIRMAN. After he embezzled from one union, he went down and they made him a big shot in another?

Mr. KENNEDY. On January 2, 1954, he became an international organizer for this local that was under trusteeship and, in November of 1955, he was appointed its president and he has held that position of president until recently when that local revolted down in Miami against him.

He was then removed as president and made an organizer for the local. The man that led the revolt was then kicked out of the teamsters union.

The CHAIRMAN. You mean somebody objected to having a man that has been stealing money made president of the union and they kicked him out?

Mr. KENNEDY. That is correct.

The CHAIRMAN. You would not do a thing like that, would you? If you had the authority you would not do that, would you?

Mr. MORGAN. Can I consult with my attorney?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you want us to believe that you would do it?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Now, Mr. Chairman, could I go on?

That was local 390, and I would like to go on to another local.

The CHAIRMAN. Let me ask you this: If there is anything here that is not correct, I don't think it would incriminate you to deny it and say it isn't true. Would you think it would?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. All right.

Mr. KENNEDY. Mr. Chairman, again, as far as Mr. Morgan is concerned, he held these positions of responsibility. I do not know whether he was taking orders or instructions from Mr. Miller, head of the Southern Conference of Teamsters, or Mr. Hoffa, who was running the Southern Conference of Teamsters.

He can testify on that himself, but he refuses to answer any questions and he wants to take the fifth amendment.

The CHAIRMAN. I do not think Mr. Morgan here would just take orders to do anything, would you, from Hoffa or anybody else? It looks like you could take care of yourself pretty well without the fifth amendment.

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Throughout all of these weeks, when we have been receiving information and sworn testimony about beatings and dynamitings and arson and shootings and all of that sort of thing, I have wondered under whose authority it is done. You are an official in the teamsters union, and I would like to ask you: Who makes the decision to use violence in the organizing campaigns?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Do those individuals who commit the acts of violence do so on their own responsibility?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Is it an established program and policy of the union to organize the unorganized by shooting, beatings, dynamiting places, and burning up property?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Who does the directing of these things?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Do the rank and file, the members, of any local ever have a chance to participate in the decision whether or not such acts of violence, law violations, shall be indulged in in an organizing effort?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Now I want to ask you about local 320 of the teamsters in Miami, the taxi drivers, the automotive workers, and the car parkers. Could you tell us how that local originated?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Isn't it a fact that that local was put into operation and started just this past summer, the summer of 1957?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Isn't it true that it had a very unusual arrangement in its origin, in the fact that it was started in trusteeship, it was put in trusteeship immediately?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know Mr. Dave Yaras?

Mr. MORGAN. May I consult my attorney?

(The witness conferred with his counsel.)

Mr. MORGAN. As far as I know, I don't know the man.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. Can you testify if Dave Yaras had anything to do with the formation of this local 320?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. You cannot give an unequivocal answer to that, as to whether Dave Yaras had anything to do with the formation of this local?

Mr. MORGAN. Can I consult counsel?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know that Dave Yaras—or, have you heard of Dave Yaras and know of his reputation? Have you heard of Dave Yaras? Let me ask you that.

Mr. MORGAN. May I consult counsel?

(The witness conferred with his counsel.)

Mr. MORGAN. As far as I recollect, I don't know the man.

Mr. KENNEDY. Dave Yaras, Mr. Chairman, is a notorious Chicago racketeer who has been involved with many of the leading racketeers in the Midwest. It is our information that he had at least something to do with the setting up and establishing of local 320 in Miami, Fla.

Could you tell us anything about that?

Mr. MORGAN. May I consult counsel?

(The witness conferred with his counsel.)

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know his son, Mr. Ronnie Yaras?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. According to the information that we have, Mr. Ray Miller was the one that was actually appointed as head of that local. Do you know Mr. Ray Miller?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know what Mr. Miller's background was prior to the time he was made head of that local?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know that he is a very close associate of Mr. Fred Schreier?

Mr. MORGAN. Can I consult counsel?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. MORGAN. As far as I recollect, I don't know the man.

Mr. KENNEDY. Do you know that Mr. Frederick Schreier is, in fact, Mr. Ray Miller's roommate in Miami, Fla.?

Mr. MORGAN. Can I consult counsel?

(The witness conferred with his counsel.)

Mr. MORGAN. I did not know that.

Mr. KENNEDY. Mr. Schreier, Mr. Chairman, is, according to the information we have, the roommate of Mr. Ray Miller. He was arrested in Orlando, Fla., on August 28, 1956, as an accessory to a \$283,000 burglary. His accomplice was murdered on August 17, 1956, after it was alleged that the accomplice was implicating Schreier. The death caused the dismissal of the case against Schreier. On October 15, 1957, \$75,000 worth of diamonds were stolen, and the prime suspect was Schreier. On November 30, 1957, Mr. Schreier was charged with the possession of burglary tools, vagrancy, and attempted breaking and entering.

Did you know anything about that, as far as Mr. Schreier's and Mr. Miller's relationship were concerned?

Mr. MORGAN. May I consult counsel?

(The witness conferred with his counsel.)

Mr. MORGAN. I did not know that.

Mr. KENNEDY. Did you know that his other close associate down in Miami is Henry Schechtman, who owns and operates the Tower Hotel, and that on October 13, 1957, Schechtman and an accomplice were booked on charges of breaking and entering, larceny, possession of burglary tools, and disorderly conduct; that he was charged on November 30 with possession of burglary tools?

Did you know anything about that?

Mr. MORGAN. May I consult counsel?

(The witness conferred with his counsel.)

Mr. MORGAN. I did not know that.

Mr. KENNEDY. And that prior to the time that Mr. Miller became an organizer and head of this local, he was operating night clubs in the Miami and Florida area?

Did you know that?

Mr. MORGAN. Could I consult counsel?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. That he was operating the Ball & Chain Restaurant at 1513 Southwest Eighth Street, Miami?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And that his partner in this business was this very Henry Scheetman whom I have just spoken to you about and read his criminal record? Did you know that?

Mr. MORGAN. May I consult counsel?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. MORGAN. I did not know that.

Mr. KENNEDY. Could you tell the committee what it was in his background that led to his appointment as president of this local in Miami?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did his business partner and his roommate have anything to do with that—with his being appointed as president of this local?

Mr. MORGAN. May I consult counsel?

(The witness conferred with his counsel.)

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And did you know that since he was made head of the local that there have been many acts of vandalism in the Miami area?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. That these acts of vandalism have been associated with the attempt to organize the taxi drivers, the automotive workers, and the car parkers?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Did you participate in any of it?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself?

Mr. KENNEDY. That specifically, outside the Seville Hotel, which this union was attempting to organize, the tires outside that hotel were ice-picked? Did you know that?

Ice picks were driven through the tires of the people staying at the Seville Hotel over the period of the past few months.

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you mean of the guests of the hotel?

Mr. KENNEDY. That is correct.

And the people staying at the Algiers Hotel and Eden Roc Hotel have likewise been threatened and their cars scratched and their tires slashed? Did you know that?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you know what is occurring at the West Flagler dog track as far as Mr. Miller is concerned?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you know that tires were punctured by ice picks there on 70 or more cars, and this despite the fact that the place was already organized by the Building Service Employees Union? Did you know that?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Is that why Ray Miller was given this charter for this local—to perform these acts of vandalism in the Miami area?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Could you tell us anything in his background that led you or led the union to select them to head this local?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. The Chair will read the body of two affidavits. They shall go into the record at this point, printed in full.

Some time around April 1, 1954, a meeting was held in the office of Robert D. Hill, 1316 First National Bank Building, Tampa, Fla. Mr. Hill was legal counsel for Hunt Truck Lines of which I am general manager. At this meeting I and Mr. Hill represented management. Representing teamsters' local No. 79 was Mr. Bunch, Mr. Morgan, an unidentified man who remained only a few minutes, and a man introduced to me as Mr. Smith from Miami, Fla.

During the discussion, which lasted about 1 hour, Mr. Smith took charge and did most of the talking. Mr. Smith, in effect, said that he was not going to wait for any election among the employees to determine whether they wanted the union (local 79). He demanded that the management of Hunt Truck Lines sign a contract with local 79 immediately. This we refused to do, preferring to await the result of an election of the employees to be conducted by the National Labor Relations Board.

After about an hour of argument, the meeting broke up. A few days later, on April 4, 1954, a fire of suspicious origin broke out in our warehouse in Lakeland, Fla., completely destroying the building and its contents in excess of \$25,000 damage.

I have been shown pictures of 16 men by Mr. James McShane, of the subcommittee staff, and from among them I recognized one as the Mr. Smith who was present at the aforementioned meeting, and who did most of the arguing. Mr. McShane informs me that his true identity is Mr. Glenn W. Smith, president, teamsters Local 515, Chattanooga, Tenn.

(Affidavit of Mr. Teachout follows:)

AFFIDAVIT

I, Mr. Frank Teachout, general manager of Hunt Truck Lines, 708 Whiting Street, Tampa, Fla., telephone No. 2-2788, freely and voluntarily make the following statement to Mr. James McShane who has identified himself to me as a member of the staff of the United States Select Committee on Improper Activities in the Labor or Management Field. No threat, force, or duress have been used to induce me to make this statement, nor have I received any promise of immunity from any consequence which may result from submission of the statement to the aforementioned Senate select committee.

Some time around April 1, 1954, a meeting was held in the office of Robert D. Hill, 1316 First National Bank Building, Tampa, Fla. Mr. Hill was legal counsel for Hunt Truck Lines of which I am general manager. At this meeting I and Mr. Hill represented management. Representing teamsters' local No. 79 was Mr. Bunch, Mr. Morgan, an unidentified man who remained only a few minutes, and a man introduced to me as Mr. Smith from Miami, Fla.

During the discussion which lasted 1 hour, Mr. Smith took charge and did most of the talking. Mr. Smith, in effect, said that he was not going to wait for

any election among the employees to determine whether they wanted the union (local 79). He demanded that the management of Hunt Truck Lines sign a contract with local 79 immediately. This we refused to do, preferring to await the result of an election of the employees to be conducted by the National Labor Relations Board.

After about an hour of argument, the meeting broke up. A few days later, on April 4, 1954, a fire of suspicious origin broke out in our warehouse in Lakeland, Fla., completely destroying the building and its contents in excess of \$25,000 damage.

I have been shown pictures of 16 men by Mr. James McShane, of the subcommittee staff, and from among them I recognized one as the Mr. Smith who was present at the aforementioned meeting, and who did most of the arguing. Mr. McShane informs me that his true identity is Mr. Glenn W. Smith, president, teamsters local 515, Chattanooga, Tenn.

FRANK TEACHOUT.

Witness: JAMES MCSHANE.

Witness: JOHN P. SAVAGE.

Subscribed and sworn to before me this 14th day of September 1957.

[SEAL]

NELL POORE SCHIRO, *Notary Public*.

My commission expires August 16, 1960.

The CHAIRMAN. The other affidavit is a similar one of another meeting held April 1954, the same date, I believe. The affidavit I just read is signed by Frank Teachout. The one I am presenting here to follow it in the record is signed by Robert D. Hill.

Mr. KENNEDY. I would be interested in how Mr. Belles took over that local down in Miami if you could give us any information on that.

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Would you like to be a party to creating the impression throughout the country that organized labor organization, or at least that part of it that you are associated with, believes in all of this violence and that is the way you operate, like criminals who try to force your way on people.

Do you want people throughout the country to get that impression from your testimony?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Well, if these things are not true, or you have no knowledge of them, it is easy to say so.

Mr. KENNEDY. Mr. Morgan, did Mr. Hoffa suggest that Mr. Belles be given that position in Miami as head of this local?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Could you tell us who recommended Mr. Ray Miller for that job as head of his local?

Mr. MORGAN. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Are there any questions?

All right, you may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Glen W. Smith.

TESTIMONY OF GLEN W. SMITH, ACCOMPANIED BY HIS COUNSEL,
L. N. D. WELLS

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth so help you God?

Mr. SMITH. I do.

The CHAIRMAN. State your name, your place of residence, and your business or occupation, please.

Mr. SMITH. Glen W. Smith, 6754 Dupree Road, Chattanooga, Tenn., president of teamsters local 515.

The CHAIRMAN. All right, do you have counsel?

Let the record show that Mr. Wells appears for the witness.

Mr. KENNEDY. How long have you held the position of president of local 515?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. How could that incriminate you? If you are president of it, and you said you are, you can state how long you have been president.

Mr. SMITH. May I talk to my counsel?

The CHAIRMAN. Yes. I would like to find out how you think that could possibly incriminate you.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Well, I agree with the position of some of my colleagues on this committee. I have taken this position before and I just want to get one of these cases to the Supreme Court. I am going to ask you a very simple question. Do you honestly believe that if you answered that question truthfully and told how long you had been president of local 515, which you admitted you were president of under oath just a few minutes ago, that such a truthful answer might tend to incriminate you.

Do you honestly believe that?

Mr. SMITH. May I talk to my counsel?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. With the permission of the committee, the Chair orders and directs you to answer the question whether you honestly believe if you answered and told the truth with respect to how long you have been president of teamster local 515, in Chattanooga, Tenn., that that answer might tend to incriminate you.

Mr. SMITH. I claim my constitutional right—

The CHAIRMAN. You are ordered and directed to answer that question and I want the record to so show and it is by approval of the members of the committee present.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, according to our information, as well as being president of local 515 of Chattanooga, we understand that Mr. Glen W. Smith is also president of Teamster Joint Council 87, is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And that joint council 87 encompasses all of Tennessee and part of Kentucky, is that right, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. I just want to make a comment. If the Supreme Court would let a record stand like this, capricious as it is about taking the fifth amendment, then there is no way on earth of enforcing the law in this country because every witness called would just say, "I take the fifth amendment," and you could never convict anybody of any crime at all.

Law and order would completely break down. You people, a lot of you, have been coming up here doing more to destroy law and order in this country than anything else I know. Do you want to be associated with that sort of a situation?

I am going to ask the committee for one time to certify one of these cases for contempt and let the Supreme Court say whether the fifth amendment can be so capriciously invoked and so abused that a man cannot tell, after saying he is president of an organization, how long he has been president without incriminating himself.

Senator IVES. I suggest that this be the time when that be done.

The CHAIRMAN. It will be done, if I can get a majority of the committee to proceed on this, because I want to know whether from here on the law-abiding citizens of this country have any protection under the Constitution, or is it all one sided, so that the crooks and the thugs and the criminals can come before any tribunal and just invoke the fifth amendment repeatedly and perpetually to escape giving any assistance whatsoever to their Government in trying to preserve law and order and decency in this country.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, also of some interest to us is the fact that he was a member of the policy board of the Southern Conference of Teamsters and specifically in 1951.

The significance of that will come out as we proceed. He is being called today because he has been linked in testimony, sworn testimony before this committee, with certain acts of violence in Tennessee. Specifically Mrs. Lola Freels testified before the committee, on page 291, that Mr. Glen W. Smith was involved in the dynamiting of the Purity Packing Co.

Could you tell us about that, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. She said generally, Mr. Chairman, that whenever there was work needed in the Knoxville area, whenever there were acts of violence to be done, a telephone call would be put in to Mr. W. A. Smith, in Nashville, and Mr. Glen Smith in Chattanooga and they would appear on the scene and an act of violence or dynamiting or shooting would generally follow.

Now, could you tell us anything about that, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Were you involved in any dynamiting yourself?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Was there anyone else involved in it? That would not be testimony against yourself.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you honestly believe that if you told that you knew that others were involved in it, that a truthful answer to that question might tend to incriminate you?

Mr. SMITH. May I talk to my counsel?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. With the permission of the committee, the Chair will order and direct you to answer that question. Again, you are ordered and directed to answer.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. I want to point out again on this record that if people cannot be required to give information that they may know about others committing crimes and they can just capriciously hide behind the fifth amendment, there is no way to enforce the law in this country. I am just interested to know how the Supreme Court will decide it.

Proceed. The order stands and you are so directed.

Senator IVES. I would like to ask Mr. Smith a question, if you do not mind. I would like to ask him a very direct question and this certainly is not going to incriminate him.

Mr. Smith, do you believe in law observance?

Mr. SMITH. May I talk to my counsel?

Senator IVES. I thought you might be able to answer the question without asking anybody about it, but go ahead.

(The witness conferred with his counsel.)

Mr. SMITH. Yes.

Senator IVES. Then, what do you mean by trying to duck all of these questions that are being asked you?

Mr. SMITH. May I talk to my counsel?

Senator IVES. Yes, and we might find out. You are not living up to that statement in any way, shape or manner.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator IVES. Then the statement that you just made is a lie. All right, Mr. Chairman.

Mr. KENNEDY. Mr. Chairman, we also, in affidavits before the committee, have Mr. Glen W. Smith linked up with the dynamiting in Jackson, Miss., in January of 1956. Can you tell us anything about whether you were in Jackson, Miss., in January of 1956, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Specifically, we have Mr. Smith identified in Jackson, Miss., on January 12, 1956, 3 days prior to the dynamiting which took place in that area.

Were you there on that January 12?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Now we have an affidavit, Mr. Chairman, from Hazel Dye Crowe, of Jackson, Miss., the wife of a captain of the pickets at the Southland Cotton Oil Co. in January of 1956.

The CHAIRMAN. The Chair will read the body of the affidavit, and the affidavit in full will be printed in the record at this point.

(The affidavit is as follows:)

AFFIDAVIT

I, Mrs. Hazel Dye Crowe, 103 Sanford Street, Jackson, Miss., telephone 2-0514, freely and voluntarily make the following statement to Mr. James McShane, who has identified himself to me as a member of the staff of the United States Select Committee on Improper Activities in the Labor or Management Field.

No threat, force, or duress have been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from submission of the statement to the aforementioned Senate select committee.

On or about January 10, 1956, I was bringing food down to the men on the picket line at Southland Cotton Oil Co., 1000 Mill Street, Jackson, Miss., where my husband, Glynn Crowe, was a captain of the pickets.

Passing the teamsters' union hall, local No. 891, 130 West Woodrow Wilson Drive, Jackson, Miss., on this date, I stopped my car and went into the union hall.

There I had a conversation with Mrs. Bess Hoover, secretary of local 891. Her husband, L. M. "Red" Hoover, was and is president of local 891. This was the union that was conducting the strike out at the Southland Cotton Oil Co. plant.

Mrs. Hoover said to me, pointing to a heavy-set man wearing a bright orange colored shirt who was standing in the union hall: "He is one of them. They are going to wrap up several sticks of dynamite and throw it into the company yard to scare them."

I heard Mrs. Hoover several times while I was present address this man as "Smitty." At a later date I learned this man was Glenn W. Smith from teamsters local 515 in Chattanooga, Tenn. He is president and business agent of local 515.

The CHAIRMAN. Do you recognize who that is, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. I will continue.

Mr. James McShane of the subcommittee staff has shown me pictures (16) of several groups of men. I can positively identify one of these men as Glenn W. Smith the man I saw wearing the orange shirt in the union hall that day.

From among the other pictures shown to me by Mr. McShane I can identify a man with a hearing aid as a man I saw either at the union hall or the picket line, I am not sure which, during the time the strike was in progress. Mr. McShane informs me this man's name is W. A. "Hard Hearing Smitty" Smith, business agent for teamsters local 327 Nashville, Tenn.

(Signed) MRS. HAZEL DYE CROWE.

Witness: JAMES MCSHANE.

Witness: H. I. BUSHY.

Subscribed and sworn to before me this 7th day of September 1957.

E. M. SHAW.

My commission expires May 25, 1960.

The CHAIRMAN. You would want to comment on that, would you?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. It is a pretty direct charge against you. You do not want to defend yourself? Do you want to leave the record this way, with testimony like that unrefuted?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You realize that we are being very fair with you. We are giving you the opportunity to deny that. Would you not say we are being fair with you, or would that incriminate you to answer that?

Mr. SMITH. May I talk to my counsel?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. Mr. Chairman, I think that you are proceeding in accordance with the rules.

The CHAIRMAN. Thank you. You do not think it is unfair to you, to give you a chance to comment on it or to deny it?

Mr. SMITH. I think that you have complied with the rules.

The CHAIRMAN. Do you not think that is pretty fair? Can you not use that word?

Mr. SMITH. I think the rules are all right.

The CHAIRMAN. Thank you very much.

All right, we will proceed.

Senator CURTIS. Do you draw a salary from the teamsters union now?

Mr. SMITH. May I consult my attorney?

Senator CURTIS. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Would the acceptance of a salary from the teamsters union, would that fact incriminate anybody?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Does it jeopardize your job with the teamsters union—

The CHAIRMAN. He has testified, if you will pardon me for interrupting, he has testified that he is president of local 515, teamsters' local 515 of Chattanooga. Now, you can ask him the direct question whether he receives a salary from that local.

Senator CURTIS. That is correct.

The CHAIRMAN. The Chair, in view of his having stated that he is president of the local, will order—with the permission of the committee—order and direct him to answer that question.

Again, I think that we have a right to inquire into some of these things, and it is simple, everyday business matters and professional matters, and I think that, certainly, the Congress of the United States is entitled to know whether they work for a salary or for pay or without it.

That might have some bearing upon legislation and, for the reason I have stated, I think the Congress is entitled to that information and,

with the permission of the other members of the committee, I will order and direct that question be answered.

Mr. SMITH. May I talk to my counsel?

The CHAIRMAN. Certainly.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Now, may I ask you again, do you honestly believe that if you gave a truthful answer to that question, as to whether you received a salary or compensation from local 515 of Chattanooga, Tenn., that such a truthful answer might tend to incriminate you? Do you honestly believe that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You are again ordered and directed to answer that question, with the approval of the committee.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Now, does the taking of the fifth amendment jeopardize your job in any way?

Mr. SMITH. May I talk to my counsel?

Senator CURTIS. Are you fellows still in good standing after you come here and take the fifth amendment?

Mr. SMITH. May I talk to my counsel?

Senator CURTIS. Yes, sir.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Were you in Washington, D. C., during Hoffa's trial?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Did anything happen in connection with that trial that would incriminate you?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, as I stated originally, Mr. Smith, as well as being head of local 515, is also president of joint council 87, which is a very important joint council in the country and encompasses a large area and a large number of people. I would like to trace through with you, Mr. Smith, if I could, your career, as to what there was in your background that ultimately resulted in your achieving this very important position in the teamsters. Can you start off and tell us where you went to school?

Mr. SMITH. Can I talk to my counsel?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I went to school through the eighth grade, seventh or eighth grade, in a public school in the city of Altamont, Ill.

Mr. KENNEDY. What is the name of the city?

Mr. SMITH. Altamont.

Mr. KENNEDY. What did you do after you got out of school?

Mr. SMITH. May I talk to my counsel?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Will you tell us anything that you did after you got out of school in Illinois, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, we have certain information—there are gaps in it, but there is certain information regarding Mr. Smith's career that I would like to file at this time. If he has any comment to make on it, he would be free to do so.

The CHAIRMAN. Proceed and ask him about the information you have, and give him a fair chance to refute any of it that is incorrect. We do not want the record to be incorrect. If Mr. Smith will kindly help us to keep the record straight, we will try to do so.

Mr. KENNEDY. This, again, Mr. Chairman, is the background of an individual who is presently president of joint council 87 in this country, of the teamsters.

In 1926, starting there, from September 13, 1926, to December 16, 1927, according to the information that we have, you were incarcerated in the Illinois State Reformatory, Pontiac, Ill., for robbery, for a term of 1 to 20 years.

Is that right, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. That you were paroled on December 16, 1927, and released from parole on March 4, 1932. Is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Shortly after being released from parole—namely, July 18, 1932, from July 18, 1932, to May 3, 1935—you served a second term in the Illinois State Reformatory in Pontiac, Ill., for burglary and larceny and sentenced to 1 year to a life term. Is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. That you were paroled on May 30, 1933, and discharged from parole in 1939; is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And that, at the time tests were made on you, the first time that you were incarcerated they showed that you were above average in intelligence, but that, at the time you went to prison, you had 1 brother in Leavenworth, 1 in Southern Illinois Penitentiary, and 1 in the county jail. Is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. The second time again they emphasized the fact that you were above average intelligence, although somewhat unstable, and that you got into the second difficulty in robbery with your brother. Is that right, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Then, Mr. Chairman, we have him going up to 1946. In 1946 to 1949, you served as a business agent for teamster local 236 in Paducah, Ky. Is that right, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. While in Paducah, Ky., during 1948, you were convicted of assault and battery, in Marshall County, Ky., on July 4, 1948, and fined \$100. Is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. On April 21, 1949, you were indicted in McCracken County, Ky., for malicious damage and destruction of personal property damaged at \$1,000; is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. In May 1949 you were indicted in Marshall County, Ky., for destroying property valued at \$12,000 by the use of dynamite; is that right, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. On these latter two indictments, Mr. Chairman, Mr. Smith has never been tried. After he was indicted on these two offenses, he left Paducah, Ky., and went to Chattanooga, Tenn.; is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And there you were hired as a business agent first for local 515 and later became its president; is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And that you were there in Chattanooga, Tenn., after Paducah, Ky., from 1949 to 1952. Is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. In April 1951, Mr. Chairman, Smith and 12 other individuals, including a man by the name of H. L. Boling, who was secretary and treasurer of Teamster Local 515, were indicted on a conspiracy charge growing out of labor disputes; is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And the charges included 10 counts, cutting tires, threatening and cursing employees, assault on a night watchman with a soft-drink bottle, setting off of dynamite and other explosives, setting a truck and trailer on fire, assault on a foreman, assault on an owner, breaking of windows, smashing of windows, and overturning of an automobile; is that correct?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, that subsequently resulted in a directed verdict by Judge Schoolfield, in the criminal court in Chattanooga. We will be going back into that matter in a short time. I would like to go on and trace Mr. Smith's career.

The CHAIRMAN. Who is the president of that local there?

Mr. KENNEDY. He was president. Glenn Smith was president at this time.

The CHAIRMAN. Go ahead.

Mr. KENNEDY. When he got into this difficulty and was indicted in Chattanooga, he left Chattanooga, this local in Chattanooga, and went back to Paducah, local 236. By this time Paducah's local was put under trusteeship, and Mr. Smith, because of his fine career, was sent in to run the union. Is that right, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Mr. Smith, we are going through with this and make a record. If there is anything in it that is not correct, we would be very happy to have you correct it. We don't want to put anything in the record here that is not true if we can avoid it. But if we do, as we go along, if we happen to get something in there that is untrue, you will have to take a lot of responsibility for it, because you have a chance to refute it.

Mr. KENNEDY. We made a good examination of Mr. Smith and I believe these facts are correct.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. As he was over in Paducah, Ky., and the head of this local, he was then extradited back to Chattanooga for these indictments that I mentioned earlier. He had refused to return voluntarily. But subsequently, as I stated, there was a directed verdict. We then learn that Mr. Smith is down in Florida. He was down in Florida from 1953 to 1955 as an organizer. Is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Local 390 in Hialeah, right outside Miami, was having labor difficulties with the Acme Concrete Corp., of Hialeah; is that right, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And Glenn W. Smith was the representative for local 390 and handled the negotiations with Acme; is that right?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. There was some dynamite placed in the yard of Acme in March of 1954, with no substantial damage. However, on August 29, 1954, at 3 p. m., the Acme ready-mix plant was dynamited with an estimated damage of \$50,000. Did you have anything to do with that? That was 3 a. m.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you place that dynamite there?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And then, Mr. Chairman, we also have him listed as the representative of teamster local 79 at the time that local 79, in April of 1954, was attempting to unionize the Hunt Truck Line.

Did you represent the local in the discussions with management at that time?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. We have an affidavit on that which has already been placed in the record.

Mr. KENNEDY. Shortly after the discussions Mr. Glenn W. Smith had with the representatives of that company, this fire of suspicious origin broke out in the warehouse with damage estimated at \$25,000.

Did you have anything to do with setting that fire?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Then, Mr. Chairman, he went back, after this fine record down in Florida, they evidently wanted him back in Chattanooga, so he went back to Chattanooga and became president of local 515, and then we have him involved in the dynamitings in Knoxville, Tenn., and Jackson, Miss., in 1956. Then, because of this fine career in the teamsters union, he was then made president of local 87 of the teamsters, and he is in charge of all of Tennessee and part of Kentucky.

The CHAIRMAN. Was he appointed?

Mr. KENNEDY. I don't know how he got it.

The CHAIRMAN. Would you tell us whether you were elected or appointed?

I don't think it would reflect on you if the men elected you.

Mr. SMITH. May I talk to my counsel?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You have already testified that you are president of that local, so the Chair, with the permission of the committee, is going to order and direct you to answer the question as to whether you were elected president of the local or appointed.

What did he belong to?

Mr. KENNEDY. President of joint council 87 and also president of 515.

The CHAIRMAN. I am talking about both of them.

How did you get to be president? Were you elected or appointed?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. It is the committee's position that the Chair orders and directs you to answer the question. You testified you were president of one of them yourself. On that particular one, I want to ask you again how you were made president, by election or by appointment.

Mr. SMITH. May I talk with my counsel?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, I have gone through his record now and I would like to go back to the indictments while he was president of local 515 in Chattanooga, back in 1951.

The CHAIRMAN. Proceed.

Mr. KENNEDY. He was indicted in April of 1951, Mr. Smith, and some 12 other individuals. Who was your attorney in that case?

Mr. SMITH. May I talk to my counsel?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. KENNEDY. That couldn't incriminate you.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you know counsel who is representing you today? Do you know him personally?

Mr. SMITH. May I talk to my counsel?

The CHAIRMAN. I don't know whether he knows whether you know him or not. I thought I might know.

Go ahead and talk to him.

(The witness conferred with his counsel.)

Mr. SMITH. Yes, I know him.

The CHAIRMAN. Thank you.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Wasn't Mr. H. G. B. King your attorney?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Didn't he represent you and the other 12 individuals?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Smith, going through the records, we find that there is a teamster local check, a check on the teamster local 515, that is written on July 2, 1951, for the amount of \$18,500, which was charged to attorney fees. It was made out to cash and charged to attorney fees.

Can you tell us anything about that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. The cash disbursement book shows that this is made out to cash and charged to attorney fees.

Could you tell us anything about that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you think the men down there that pay the dues have any constitutional right to know what you do with their money?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, there is the check and the disbursement book entry.

The CHAIRMAN. The Chair presents to you a photostatic copy of two checks, each in the amount of \$18,500, each dated July 2, 1951, each made payable to cash. One of them is check No. 5518, and the other is No. 5519. They are drawn on the account of the Truckdrivers and Helpers Local No. 515.

The check No. 5519 is signed by H. L. Boling, secretary-treasurer, and also countersigned by Glenn Smith.

The check No. 5518 for the same amount and of the same date is not signed by any official of the local but has been marked void.

I also hand you the photostatic copies of the check stubs of the two checks. I ask you to examine them for purposes of identification.

(Documents handed to witness.)

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You have examined the checks, have you?

You see them there in front of you, don't you?

Mr. SMITH. I see them.

The CHAIRMAN. You see them. Thank you.

They will be made exhibit No. 20-A.

(The documents referred to were marked "Exhibit No. 20-A and 20-B" for reference and will be found in the appendix on p. 7500.)

The CHAIRMAN. Did you get any of that money?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. What did you do with that part of it that you took yourself?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Did you cash that check and get the cash from it?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Why did you write the first check void?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. If you can tell us who else got the money, you wouldn't be a witness against yourself. You might be a witness against them. Would you tell us who else may have gotten this money?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, I was just explaining about the first check. Although the figure up here is \$18,500, when it was actually written out it was written out \$18,000. I am sure that is the reason it was voided. So the second check is the only one that is of significance to us.

The CHAIRMAN. I had not noted that. The figures on both checks are for \$18,500, but on the latter check, 5519, it was written out "\$18,500," and on check 5518, whoever wrote the check on the type-writer made it "\$18,000." So that, I assume, was the reason it was voided.

Would you care to give us any further explanation about it?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. It shows on the check stub that the money was for attorney fees, Mr. Chairman. We have also found that the money was withdrawn from the Hamilton National Bank in Chattanooga, on July 5, 1951, and that the money was withdrawn by Mr. Glenn W. Smith and by Mr. Boling. Is that right, Mr. Smith?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. The money was withdrawn in the form of cash.

The CHAIRMAN. You do keep some books down there in that local, don't you? Or do you not?

Mr. SMITH. May I talk to my attorney?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I do not personally keep the books.

The CHAIRMAN. You do not?

Of course, as president I assume you look at them occasionally, don't you, or do you not?

Mr. SMITH. May I talk to my counsel?

The CHAIRMAN. Find out whether you look at the books or not. Go ahead.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy. I think we will get a pretty good picture of it.

Mr. KENNEDY. Mr. Chairman, that is \$18,500.

Then on March 17, 1952, there was another check drawn to cash, by teamster local 515, for the amount of \$1,500, as I said, made payable to cash, and once again charged to attorney fees. This is the check and the record in their books. So it makes a total of \$20,000.

The first check is dated July 2, 1951, and was spent on July 5, 1951. The other is dated March 17, 1952.

The CHAIRMAN. I present you another check in the amount of \$1,500, check No. 6134, drawn to cash on the account of Truck Drivers and Helpers Local No. 515, signed by H. L. Boling, secretary-treasurer, countersigned by Glenn Smith. It has the endorsement on the reverse side by Glenn Smith.

Will you look at that check and see if you identify it as a photostatic copy of the original?

(Document handed to witness.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You have seen the check presented to you?

Mr. SMITH. May I talk to my attorney?

The CHAIRMAN. Yes, but I am going to have the record show you received it. I can see that much, that you have seen it.

(The witness conferred with his counsel.)

Mr. SMITH. I have seen it here at the table.

The CHAIRMAN. Look on the reverse side and see whose signature is on it as an endorsement.

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Those are your signatures, aren't they; both the one countersigning it and also the one endorsing it to get the money?

Mr. SMITH. May I talk to my attorney?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. That check will be made exhibit 21.

(The document referred to will be marked "Exhibit No. 21" for reference and will be found in the appendix on p. 7507.)

Senator CURTIS. At whose direction was the entry made in the books that these two checks were for attorney fees?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Are they correct entries?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Was the money used for attorney fees?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Did you have anything to do with disbursing the cash after the checks were cashed?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. To whom did you give the cash?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Did you keep any of the money?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. Was an informational tax return made of this payment to whomever it should have been made?

Mr. SMITH. May I talk to my counsel?

Senator CURTIS. Yes.

(The witness conferred with his counsel.)

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Am I correct that Mr. H. G. B. King was your attorney representing the local at that time and also represented you in those cases in court down there in Chattanooga?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. That is a matter of record.

Mr. DUFFY, did you check the court records in these cases?

Mr. DUFFY. Yes, Mr. Chairman, we checked the court records in these cases.

The CHAIRMAN. Who appears in these criminal charges against this man Smith here, Eugene Smith, who appears of records there as counsel for him?

Mr. DUFFY. Mr. H. G. B. King of Chattanooga.

The CHAIRMAN. You have been previously sworn in these hearings?

Mr. DUFFY. Yes, sir.

The CHAIRMAN. Mr. H. G. B. King appeared as counsel of record for them; is that correct?

Mr. DUFFY. That is correct, Mr. Chairman.

The CHAIRMAN. The Chair will now read an affidavit from Mr. H. G. B. King. If I do not read all of it, it will all be printed in the

record. I will read the substance of it. It will be printed in the record in full at this point.

I have been a licensed and practicing attorney in the State of Tennessee for more than 26 years and have been retained as an attorney for teamsters local union 515 continuously for more than 7 years just past.

I was asked by Mr. Duffy what fee I received for defending a case, docket No. 83801, Hamilton County, Tenn., wherein a number of teamster officials and members of local 515 were indicted in 1951 on a conspiracy charge growing out of a labor dispute in Chattanooga, in which case I represented the union. My full fee in that case was \$6,000 and paid over the period 1951 to July 1953 as follows:

1951-----	\$1, 000
1952-----	2, 000
1953-----	3, 000

In the latter part of 1952 I received information, indirectly, resulting from an investigation of the local's disbursement records by the Internal Revenue Service that a check in the amount of \$18,500 on July 2, 1951, was drawn on the local union's account with a local bank of Chattanooga. In October 1957 I received information that on March 17, 1952, another check for \$1,500 was drawn on the local union's account with a local bank of Chattanooga, and that the records of teamsters local 515 indicated that the said amounts were listed on their records as "attorney fees." I later received this information from Mr. LaVern Duffy, who asked that I give an affidavit for the use of the committee stating whether I, as attorney for the local union or otherwise, had received any part of the \$18,500 or \$1,500.

I have never received any amount whatsoever of the \$18,500 or \$1,500, and have never received any payments for fees or otherwise from the local union in cash.

I have read the foregoing statement, and to the best of my knowledge it is true and correct.

That will be printed in full at this point in the record.

(Mr. H. G. B. King's affidavit follows:)

AFFIDAVIT

I, H. G. B. King, attorney, 723 Chattanooga Bank Building, Chattanooga, Tenn., freely and voluntarily make the following statement to and at the request of LaVern Duffy, who has identified himself to me as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor-Management Field.

I have been a licensed and practicing attorney in the State of Tennessee for more than 26 years, and have been retained as an attorney for teamsters local union 515 continuously for more than 7 years just past.

I was asked by Mr. Duffy what fee I received for defending a case, docket No. 83801, Hamilton County, Tenn., wherein a number of teamster officials and members of local 515 were indicted in 1951 on a conspiracy charge growing out of a labor dispute in Chattanooga, in which case I represented the union. My full fee in that case was \$6,000, and paid over the period 1951 to July 1953, as follows:

1951-----	\$1, 000
1952-----	2, 000
1953-----	3, 000

In the latter part of 1952 I received information, indirectly, resulting from an investigation of the local's disbursement records by the Internal Revenue Service that a check in the amount of \$18,500 on July 2, 1951, was drawn on the local union's account with a local bank of Chattanooga. In October 1957 I received information that on March 17, 1952, another check for \$1,500 was drawn on the local union's account with a local bank of Chattanooga, and that the records of teamsters local 515 indicated that the said amounts were listed on their records as "attorney fees." I later received this information from Mr. LaVern Duffy who asked that I give an affidavit for the use of the committee stating whether I, as attorney for the local union or otherwise, had received any part of the \$18,500 or \$1,500.

I have never received any amount whatsoever of the \$18,500 or \$1,500, and have never received any payments from fees or otherwise from the local union in cash.

I have read the foregoing statement, and to the best of my knowledge it is true and correct.

H. G. B. KING.

Witness: LAVERNE DUFFY.

Witness: MARGOT MARTIN.

Sworn to and subscribed before me this 29th day of October 1957.

NIXOLA ZEIGLER,
Notary Public.

My commission expires October 14, 1961.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, I would like to ask Mr. Smith one more question and then ask him to stand aside for a few moments.

Could you tell us if this money was paid to any one to "fix" the case involving you and these other teamsters officials?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, I would like to have the witness stand aside for one moment.

The CHAIRMAN. Mr. Smith, you may stand aside. You will remain here in the room. You will be subject to being recalled at any time.

Call the next witness.

Mr. KENNEDY. Mr. Raymond Hixson.

TESTIMONY OF RAYMOND HIXSON

The CHAIRMAN. You will be sworn, please.

Do you solemnly swear that the evidence you shall give before the Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HIXSON. I do.

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. HIXSON. My name is Raymond Hixson, deputy State fire marshal for the State of Tennessee. I live at Hixson, Tenn.

Mr. KENNEDY. You will have to speak up. We can't hear.

Will you start all over again?

Mr. HIXSON. My name is Raymond Hixson. I live at Hixson, Tenn. I am deputy State fire marshal for the State of Tennessee.

The CHAIRMAN. Do you have counsel, Mr. Hixson?

Mr. HIXSON. I don't care for it.

Mr. KENNEDY. Do you live in Hixson, Tenn.?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. That city was named after your family, is that right?

Mr. HIXSON. That is right.

Mr. KENNEDY. Now, Mr. Hixson, you have been deputy fire marshal for the State of Tennessee for a number of years.

Mr. HIXSON. That is right.

Mr. KENNEDY. How long?

Mr. HIXSON. Since 1949.

Mr. KENNEDY. In the course of that work, did you do some work yourself in gathering evidence regarding a number of acts of violence that occurred in the Chattanooga area?

Mr. HIXSON. Yes, sir, I did.

Mr. KENNEDY. When was that?

Mr. HIXSON. It started in 1950.

Mr. KENNEDY. And early in 1951?

Mr. HIXSON. The fire in question was on December 2, 1950.

Mr. KENNEDY. I am just interested roughly in the dates. It was 1950 and early 1951?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. And the acts of violence that you were looking into and investigating grew out of a labor dispute between certain companies and the teamsters union, is that right?

Mr. HIXSON. That is right.

Mr. KENNEDY. And you were retained to make that investigation, were you?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. Who requested you to make the investigation?

Mr. HIXSON. That comes under our jurisdiction, arson and dynamiting.

Mr. KENNEDY. Was arson involved?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. And dynamitings, and it came within your jurisdiction?

Mr. HIXSON. That is right?

Mr. KENNEDY. The evidence that you accumulated was turned over to the attorney general's office, is that right?

Mr. HIXSON. That is right.

Mr. KENNEDY. And that resulted ultimately in the indictment of Mr. Glen W. Smith?

Mr. HIXSON. It did.

Mr. KENNEDY. And Mr. Boling?

Mr. HIXSON. Yes.

Mr. KENNEDY. And approximately 11 other individuals, is that right?

Mr. HIXSON. That is right.

Mr. KENNEDY. Thirteen people in all were subsequently indicted, is that right?

Mr. HIXSON. That is right.

Mr. KENNEDY. That was based on the work that you and others did?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. Now, you had known Mr. H. L. Boling, secretary-treasurer of local 515 at the time. You have known him for a number of years?

Mr. HIXSON. That is right, I have.

Mr. KENNEDY. Now, did you have any conversation with Mr. Boling, in which he told you that this case was going to be taken care of?

Mr. HIXSON. I did.

Mr. KENNEDY. Would you relate that to the committee?

Mr. HIXSON. As I recall it, on Sunday, in July.

Mr. KENNEDY. Was it April 8?

Mr. HIXSON. After the indictments were had, this case was set for trial on July 10.

Mr. KENNEDY. It is July 10 that the indictments were set for trial, is that right?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. For July 10?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. Which was a Tuesday.

Mr. HIXSON. It was on Tuesday. On Sunday, before Tuesday, I met Mr. Boling.

Mr. KENNEDY. That would be July 8?

Mr. HIXSON. Yes. I met Mr. Boling out on the highway. We were originally discussing politics, I believe. I asked him if he was going to be ready for trial on Tuesday.

Mr. KENNEDY. Could you speak up now, and just yell it out so we can hear it.

Mr. HIXSON. He told me that there was not going to be a trial. I asked him how he knew. He said that there had been \$18,500 passed to quash the indictments and there was not to be a trial.

Mr. KENNEDY. He said that \$18,500 had been passed to quash the indictment?

Mr. HIXSON. And that there would be no trial.

Mr. KENNEDY. And he said there would be no trial?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. Did he say anything further? Did he say anything about betting you as to whether there would be a trial or not?

Mr. HIXSON. When I first mentioned it, I asked him, or he said, "I'll bet you \$500 there will not be a trial," and I told him that he must know something that I didn't know. I said, "Let me in on it." He then told me that \$18,500 had passed hands and to quash the indictments.

Mr. KENNEDY. Why would he tell you this, who had worked on the case?

Mr. HIXSON. I don't know why he told me.

Mr. KENNEDY. Had you known him for a number of years?

Mr. HIXSON. I had.

Mr. KENNEDY. He said, "I'll bet you," and did he say who got the \$18,500 up?

Mr. HIXSON. I asked him where the money went, but he wouldn't tell me.

Mr. KENNEDY. Did you ask him or did he tell you where the money came from?

Mr. HIXSON. No, he didn't tell me.

Mr. KENNEDY. Did you learn anything subsequently about how the case was handled? What was done on the case?

Mr. HIXSON. I went to the courthouse on Tuesday and there was no one in the judge's chambers at all and I went to the clerk's office and they informed me that the case had been passed for reassignment.

Mr. KENNEDY. What do you mean, "passed for reassignment"? That means postponed?

Mr. HIXSON. Postponed, yes, to a later date.

Mr. KENNEDY. Later, did you learn or were the indictments in fact quashed?

Mr. HIXSON. They were.

Mr. KENNEDY. Who quashed them?

Mr. HIXSON. They were quashed by Judge Schoolfield.

Mr. KENNEDY. And he was the one handling the case?

Mr. HIXSON. That is right.

Mr. KENNEDY. He is the one who passed it on July 10?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. And he is the one that had the power to quash the indictments?

Mr. HIXSON. That is right.

Mr. KENNEDY. He is the one who quashed the indictments?

Mr. HIXSON. That is right.

The CHAIRMAN. As I understand you, you were told on Sunday before the case came up on Tuesday, by one of the men who was indicted and by one of the men who signed this check that we have presented here, the fellow named Boling, you were told by him he would bet you \$500 that the case would not come to trial.

Mr. HIXSON. That is true.

The CHAIRMAN. And he told you that \$18,500 had passed?

Mr. HIXSON. That is true.

The CHAIRMAN. But he would not tell you to whom?

Mr. HIXSON. That is right.

The CHAIRMAN. You went to Judge Schoolfield's court, is that right?

Mr. HIXSON. Yes, sir.

The CHAIRMAN. Why did you go down there on Tuesday morning? Were you expecting a trial?

Mr. HIXSON. I was expecting a trial.

The CHAIRMAN. You were a witness?

Mr. HIXSON. Yes, sir.

The CHAIRMAN. And you had been notified not to come?

Mr. HIXSON. I had not.

The CHAIRMAN. You got there and you found this was all attended to?

Mr. HIXSON. Yes, sir.

The CHAIRMAN. The case was passed?

Mr. HIXSON. The case was passed.

The CHAIRMAN. Or reassigned?

Mr. HIXSON. Yes, sir.

The CHAIRMAN. Proceed; let us see what happened.

Mr. KENNEDY. The facts are that subsequently, after it had been delayed, the indictments were quashed by Judge Schoolfield.

Mr. HIXSON. That is right.

The CHAIRMAN. How long after did that happen?

Mr. KENNEDY. The indictments were quashed April 5, 1952.

The CHAIRMAN. Was the case ever called for trial in between July 1951 and July 1952?

Mr. HIXSON. As I recall there were several briefs filed back and forth by the attorneys.

The CHAIRMAN. But the indictments were quashed?

Mr. HIXSON. That is right.

The CHAIRMAN. And that is what Boling told you on Sunday before Tuesday?

Mr. HIXSON. That is right.

The CHAIRMAN. That had been arranged?

Mr. HIXSON. Yes, sir.

Mr. KENNEDY. Were you surprised at the way the case was handled, in view of the work that you had done on the matter?

Mr. HIXSON. I was in the beginning; yes.

Mr. KENNEDY. Were you surprised at the end, when Judge Schoolfield quashed the indictments?

Mr. HIXSON. Well, at that time there was quite a bit of talk around that money had been passed to quash the indictment.

Mr. KENNEDY. That money had been passed to whom?

Mr. HIXSON. To Judge Schoolfield.

Mr. KENNEDY. For quashing the indictments?

Mr. HIXSON. Yes.

Mr. KENNEDY. Then it was no longer a surprise to you.

Mr. HIXSON. No, sir.

Senator CURTIS. What sort of a fellow is Boling that he would make an admission like that to you? Does he brag a lot?

Mr. HIXSON. Well, he likes to talk, sometimes.

Senator CURTIS. Apparently, he talked at the wrong time. That is all.

Mr. KENNEDY. That is all for now.

The CHAIRMAN. You may want to recall him?

Mr. KENNEDY. Possibly. I would like to call now, Mr. Duffy, of the staff of the committee.

The CHAIRMAN. Come around.

TESTIMONY OF LaVERN J. DUFFY—Resumed

Mr. KENNEDY. Mr. Duffy, you have had conversations with representatives of the Internal Revenue Department?

Mr. DUFFY. That is correct.

Mr. KENNEDY. You have been allowed or permitted to look at some of the files and certain records of the Internal Revenue Department?

Mr. DUFFY. That is right.

Mr. KENNEDY. An investigation that they were making subsequent to 1951 and did they have an interview with Mr. H. L. Boling?

Mr. DUFFY. Yes, sir. In searching the files of the Internal Revenue, in reference to this case, we found a memorandum dated July 10, 1953. It was an interview with Mr. H. L. Boling. Mr. Boling made the remark to the Internal Revenue that this money had passed to quash the indictment.

Mr. KENNEDY. That the \$18,500 that had come out of local 515 had been paid in order to quash the indictments?

Mr. DUFFY. That is correct.

The CHAIRMAN. Let me ask you this in that connection: You did not get that, or what you are testifying to did not come from Mr. Hixson; did it?

Mr. DUFFY. From Mr. Boling. This is exclusive of that, Mr. Chairman.

The CHAIRMAN. This is another statement that Boling made to the Internal Revenue folks?

Mr. DUFFY. That is correct.

The CHAIRMAN. So he not only told Mr. Hixson, but he also told the Internal Revenue folks according to their memorandum, the same thing.

Mr. DUFFY. That is correct.

Mr. KENNEDY. Now, Mr. Duffy, did you make a study to determine where this \$18,500 came from? That came out of local 515, the ultimate check, I understand, but where did that money originate?

Mr. DUFFY. We made a search of that and we found that the teamsters local on June 29, 1951, only had approximately \$8,000 in their treasury.

Mr. KENNEDY. They needed at that time \$18,000.

Mr. DUFFY. That is correct. They asked for a loan from the Southern Conference of Teamsters, in Memphis, Tenn., at that time.

Mr. KENNEDY. The Southern Conference of Teamsters' headquarters at that time was in Memphis, Tenn., is that correct?

Mr. DUFFY. Yes, sir.

Mr. KENNEDY. So they went to the Southern Conference of Teamsters to get a loan.

Mr. DUFFY. They borrowed \$13,500 from the southern conference.

Mr. KENNEDY. That check is dated what?

Mr. DUFFY. Dated June 29, 1951.

Mr. KENNEDY. And a check for \$13,500 drawn on the Southern Conference of Teamsters was deposited in the Hamilton National Bank on July 2, 1951?

Mr. DUFFY. July 2, 1951, the same date that the check was written to cash for attorney's fees for \$18,500.

Mr. KENNEDY. Do you have that check for \$13,500?

Mr. DUFFY. I think that you have it up there, Mr. Kennedy.

The CHAIRMAN. I present to you here a photostatic copy of a check dated June 29, 1951, check No. 2474, in the amount of \$13,500 drawn on Southern Conference of Teamsters and signed, "Gale T. Murrin, secretary-treasurer," and it is countersigned which is a stamp, "Southern Conference of Teamsters."

I asked you to examine this check and state if you identify it. It is a photostatic copy of the original and if you do, state how that check was deposited and used.

(A document was handed to the witness.)

Mr. DUFFY. Unfortunately, we were not able to obtain this check from the Southern Conference of Teamsters because their records had been destroyed. However, we did obtain this photostat from film from the bank in Chattanooga which kept a film of all checks coming in.

The CHAIRMAN. That is the bank's film of the check?

Mr. DUFFY. That is correct, Mr. Chairman.

The CHAIRMAN. That may be made exhibit 22.

(The document referred to was marked "Exhibit No. 22," for reference and will be found in the appendix on p. 7508.)

Mr. KENNEDY. Mr. Duffy, did you make a study of the minutes that were kept by the Southern Conference of Teamsters to determine what this money was supposed to be for that was loaned?

Mr. DUFFY. That is correct, Mr. Kennedy.

Mr. KENNEDY. Do you have a copy of those minutes?

Mr. DUFFY. I think that you have them there.

The CHAIRMAN. I hand you here what purports to be photostatic copy of minutes of a meeting of Southern Conference of Teamsters Policy Committee on Friday, July 13, 1951. I ask you to examine it and state if you recognize it as a photostatic copy of the minutes of the meeting on that date.

Mr. DUFFY. It is, Mr. Chairman. It is a photostatic copy of the minutes of the Southern Conference of Teamsters, dated July 13, 1951.

The CHAIRMAN. That may be made exhibit No. 23.

(The document referred to was marked "Exhibit No. 23" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Mr. Duffy, would you read the pertinent parts where there is a discussion of this \$13,500.

Mr. DUFFY. I will, Mr. Chairman.

The CHAIRMAN. It will be made an exhibit for reference only, but you may read the pertinent parts with respect to this loan into the record.

Mr. DUFFY. The second matter placed before the policy board by Director Murrin was the report of the loan which had been made to local union 515 to the extent of \$13,500. The chairman reported that it was not his thought that such a large loan should be made without the prior approval of the policy board, but that the situation was such that immediate action was necessary. The chairman also announced that the loan was to be repaid in monthly payments of \$1,000.

Discussion followed concerning this report of the chairman and it was regularly moved by Gordon Shryock and seconded by Leo Carter that the action of the chairman in the matter of local 515 be approved and the right be given to the chairman to act in such a matter in similar situations in the future. Motion was carried unanimously.

Mr. KENNEDY. As I heard you, you said the chairman reported it was not his thought that such a large loan should be made without the prior approval of the policy board, but that the situation was such that immediate action was necessary.

Mr. DUFFY. That is correct.

Mr. KENNEDY. Could we find out what that immediate action was that was necessary?

Mr. DUFFY. I think we can deduce that the teamsters in Chattanooga, local 515, needed this money in a hurry.

Mr. KENNEDY. What did the teamsters records of 515 disclose about this loan of \$13,500?

Mr. DUFFY. The check, as I stated prior, was dated June 29, 1951. Upon receipt of the check at the local headquarters, a check was written that same date for \$18,500.

Mr. KENNEDY. They evidently needed the money right away.

Mr. DUFFY. That is right.

Mr. KENNEDY. Did the minutes of the meetings of local 515 of the executive board or the general membership meetings disclose or indicate that this money was being borrowed or what it was being used for?

Mr. DUFFY. We made a search of the minute books of the teamster local 515 in Chattanooga and we found no reference whatsoever of a loan secured from the Southern Conference for \$13,500 no did we find any reference whatsoever to a disbursement of \$18,500 for attorney's fees.

Mr. KENNEDY. So the Southern Conference of Teamsters' records indicate that the loan had to be made in a hurry. The records of local 515 show nothing about the fact that the loan was made or that they borrowed \$13,500 from the Southern Conference or that a check of \$18,500 was made out to cash and charged to attorney's fees?

Mr. DUFFY. That is correct.

The CHAIRMAN. Did you make a search of the records of the local to find out whether they made their monthly payments of \$1,000?

Mr. DUFFY. Initially, they fell in arrears on their payments, but they did subsequently pay back the total amount of the money borrowed.

Mr. KENNEDY. I understand you have also interviewed various of the officials of the Southern Conference who were present at the time that this \$13,500 loan was made to local 515.

Mr. DUFFY. I think we should make mention of the fact that Glenn W. Smith was present at that Southern Conference meeting and he was present at that meeting when the loan was approved.

Mr. KENNEDY. You have interviewed certain of the other members of the board?

Mr. DUFFY. That is correct. I interviewed Mr. Murrin. I did not interview him personally. I interviewed him on the telephone with reference to this and he has no recollection whatsoever as to what this loan was for.

Mr. KENNEDY. And Mr. Dusty Miller?

Mr. DUFFY. Mr. Dusty Miller, present director of the Southern Conference of Teamsters also was present at this meeting and did not recall what this money was used for.

Mr. KENNEDY. Now, Mr. Duffy, have you made up a chronology as to how this case was handled, this indictment, and what followed in the criminal court of Judge Schoolfield?

Mr. DUFFY. Yes, sir; we have.

Mr. KENNEDY. Mr. Chairman, a copy of that has been provided to members of the committee.

The CHAIRMAN. Do you have the copy that you made? As I understand, you have taken these notations from the records of the case in court at Chattanooga.

Mr. DUFFY. That is correct.

The CHAIRMAN. And this that you have prepared and what you have before you is a correct chronology of the actions taken on the case according to the records of the court?

Mr. DUFFY. That is correct, Mr. Chairman.

The CHAIRMAN. That document may be inserted in the record at this point as part of the testimony.

RULE DOCKET, HAMILTON COUNTY CRIMINAL COURT, CHATTANOOGA, TENN.

Dockets Nos. 83801 Through 83813. *State v. Glenn W. Smith, Hubert L. Boling, et al.* Offense Charged: Conspiracy To Violate Code Section 11064. Indictment Filed April 4, 1951

May 8, 1951: Case assigned for trial on July 10 in Judge Raulston Schoolfield's court.

June 6, 1951: A demurrer entered by defense counsel to the complaint alleging the facts do not constitute a violation of law. Other parties were advised of the filing of such demurrer.

June 6, 1951: A motion for the court to decide on the validity of the demurrer was filed, and other parties were advised of such motion.

June 9, 1951: A motion was made to have the case reassigned for trial, and other parties were advised of such motion.

June 11, 1951: The motion to have the case reassigned for trial was overruled by Judge Schoolfield.

(July 2, 1951): (Check from Teamsters Local 515 made out to cash for \$18,500 and charged to attorney fees.)

(July 5, 1951): (Check for \$18,500 cashed at Hamilton National Bank, Chattanooga, Tenn., and currency withdrawn by Glenn W. Smith and Hubert L. Boling.)

July 6, 1951: Case originally assigned for July 10; reassigned but no definite date set; 25 subpoenas issued, 20 served by sheriff.

December 31, 1951: Case assigned for February 19, 1952, in Judge Schoolfield's court.

February 15, 1952: Amendment to demurrer filed by defense counsel and other parties advised of such amendment.

February 19, 1952: Case continued to May 13, 1952, in Judge Schoolfield's court.

February 25, 1952: A motion was made to strike (hold invalid) the amendment to the demurrer, and other parties were advised of the making of such motion.

March 1, 1952: Hearing on the motion to strike amendment to the demurrer was continued to March 10, 1952, in Judge Schoolfield's court.

March 10, 1952: The motion to strike the amendment to the demurrer was overruled in Judge Schoolfield's court.

March 10, 1952: Amendment to demurrer taken under advisement by Judge Schoolfield.

March 14, 1952: Judge Schoolfield sustained defense counsel's demurrer and amendment to demurrer and quashed indictment.

(March 17, 1952): (Check from Teamster Local 515 made out to cash for \$1,500, and charged to attorney fees.)

April 5, 1952: Written opinion of court (Judge Schoolfield) sustaining demurrer and amendment and quashing indictment, allowing State 30 days to perfect appeal.

February 25, 1953: Supreme court reversed Judge Schoolfield and remanded case for trial.

February 25, 1953: Case returned to docket—writ of capias (order to arrest defendants) issued, bond set at \$500, by Judge Schoolfield.

May 4, 1953: Writ of capias returned unexecuted.

May 26, 1953: Writ of capias served on Defendant Smith.

June 30, 1953: Judge Schoolfield suspended the jury until a later time.

July 1, 1953: Motion to quash indictment filed by defense counsel and motion to strike motion to quash indictment filed by State.

July 2, 1953: Judge Schoolfield issued a directed verdict of "not guilty."

Mr. KENNEDY. I would like to pick out specific dates, although the whole thing is in the record.

The indictment was filed on April 4, 1951.

Mr. DUFFY. That is correct.

Mr. KENNEDY. And on May 8, 1951, the case was assigned for trial and the trial to take place on July 10 in Judge Raulston Schoolfield's court.

Mr. DUFFY. That is correct.

Mr. KENNEDY. Then passing on to June 9, 1951, a motion was made to have the case postponed, reassigned or postponed?

Mr. DUFFY. That is correct. It was overruled, that motion.

The CHAIRMAN. What date was that overruled?

Mr. KENNEDY. July 11.

Mr. DUFFY. Am I correct on that, Mr. Kennedy?

Mr. KENNEDY. It was overruled on June 11.

Mr. DUFFY. That is correct.

Mr. KENNEDY. On July 2, 1951, this check from teamsters local 515 was made out to cash for \$18,500, is that right?

Mr. DUFFY. That is correct.

Mr. KENNEDY. And on July 5, 1951, the check for \$18,500 was cashed at the Hamilton National Bank, in Chattanooga, Tenn., and the currency withdrawn by Smith and Boling?

Mr. DUFFY. Yes.

Mr. KENNEDY. On July 6, 1951, the case which was originally assigned for July 10, was reassigned. Reassigned means postponed, is that correct?

Mr. DUFFY. That is correct.

Mr. KENNEDY. That was postponed on July 6, 1951?

Mr. DUFFY. Yes. It is significant that Judge Schoolfield did on July 6 what he did not do on June 11, during the intermediate period the money passed.

Mr. KENNEDY. He overruled the motion on June 11, 1951, and on July 6, 1951, he granted the motion?

Mr. DUFFY. He granted the motion and reassigned the case for an indefinite date which was not set.

Mr. KENNEDY. On July 8, according to the previous witness' testimony, he had a conversation with Mr. Boling, in which Mr. Boling told the previous witness that the indictments would be quashed?

Mr. DUFFY. That is correct.

Mr. KENNEDY. There were a number of demurrers offered after that period, February 15, 1952, for instance?

Mr. DUFFY. Yes.

Mr. KENNEDY. The next significant date is March 14, 1952. Judge Schoolfield sustained defense counsel's demurrer and quashed the indictments, is that right?

Mr. DUFFY. That is correct.

Mr. KENNEDY. So on March 14, 1952, the case was thrown out?

Mr. DUFFY. The case was thrown out. The demurrer was sustained and the indictment was quashed.

Mr. KENNEDY. On March 17, 1952, the second check to cash for \$1,500 was made?

Mr. DUFFY. Three days later, after the judge sustained the demurrer, a check for \$1,500 was made out from the funds of local 515, made out to cash and charged to attorney fees.

Mr. KENNEDY. The State then appealed this decision of Judge Schoolfield to the Supreme Court, is that right?

Mr. DUFFY. That is right.

Mr. KENNEDY. And the Supreme Court reversed Judge Schoolfield?

Mr. DUFFY. They reversed Judge Schoolfield and remanded the case back for trial.

Mr. KENNEDY. And said that the case should go right ahead?

Mr. DUFFY. That is right.

Mr. KENNEDY. Then the State began offering its evidence?

Mr. DUFFY. Yes.

Mr. KENNEDY. And after offering its evidence on July 2, 1953, Judge Schoolfield issued a directed verdict of not guilty?

Mr. DUFFY. He directed a verdict of not guilt, that is correct.

Mr. KENNEDY. For all the defendants?

Mr. DUFFY. That is correct.

Mr. KENNEDY. For all 13 defendants he issued a directed verdict of not guilty, without making the defense appear or offer any witnesses?

Mr. DUFFY. That is correct.

Mr. KENNEDY. And not allowing it to go to the jury, is that correct?

Mr. DUFFY. That is correct.

Mr. KENNEDY. So then the case was finished?

Mr. DUFFY. That is correct.

Mr. KENNEDY. That is all.

The CHAIRMAN. Have you anything, Senator Curtis?

Senator CURTIS. No.

Mr. KENNEDY. We have one more witness, Mr. Chairman.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Thomas Crutchfield.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CRUTCHFIELD. I do.

TESTIMONY OF THOMAS CRUTCHFIELD

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. CRUTCHFIELD. Thomas Crutchfield. I am an attorney. The address is 1918 Chattanooga Bank Building, Chattanooga, Tenn.

The CHAIRMAN. Thank you very much.

I assume you waive counsel?

Mr. CRUTCHFIELD. Yes, sir.

Mr. KENNEDY. Mr. Crutchfield, in 1951 you held the position of assistant district attorney in Chattanooga?

Mr. CRUTCHFIELD. That is correct.

Mr. KENNEDY. And you worked in the preparation of the indictments against 13 defendants that we have been discussing here today; is that correct?

Mr. CRUTCHFIELD. That is right.

Mr. KENNEDY. You were one of those who were assisting in presenting the case, getting ready to present the case?

Mr. CRUTCHFIELD. To the grand jury; yes.

Mr. KENNEDY. Did you present the case to the grand jury?

Mr. CRUTCHFIELD. I presented the case to the grand jury and also tried the case.

The CHAIRMAN. Just a little louder, Mr. Crutchfield.

Mr. CRUTCHFIELD. I presented the proof to the grand jury and also participated in the trial of the case.

Mr. KENNEDY. And you drew up, with the assistance of others, the indictments?

Mr. CRUTCHFIELD. That is correct.

Mr. KENNEDY. Mr. Crutchfield, on March 14, 1952, Judge Schoolfield quashed these indictments that had been drawn up by you and which had been voted on by the grand jury. Could you tell us anything about that?

Had you expected that that would happen?

Mr. CRUTCHFIELD. No, I had not. Do you want my reasons for that?

Mr. KENNEDY. Yes. Would you give us your reasons?

Mr. CRUTCHFIELD. We—and I mean by that the Attorney General and myself—felt that we had just about as strong an indictment, at least so far as the paper upon which it was printed was concerned, that we could possibly have.

Some years before this case came up I had been appointed special investigator to the grand jury. At that time, Mr. Raymond Graham, another attorney in Chattanooga, and I had investigated certain Ku Klux Klan activities in Hamilton County, the results of which investigation amounted to an indictment similar to this. We worked long and hard on that indictment, and received a certain amount of aid from Judge Schoolfield so far as the planning and drawing of this indictment involving the Ku Klux Klanners.

Now, then, with that background, at the time of these events that you have been talking about today, General Smith, I believe it was, went to Nashville and also secured copies of an indictment that General Loeser over in Davidson County had drawn and had been successful with, and we had that also to fall back on.

We spent a lot of time, I think you could probably say weeks, in research and in going over those two indictments that we had, and the law and the various propositions for this indictment that we drew, and we felt that when we got through with it, it was good; it was just as good as it could possibly be. As a consequence, I didn't feel that they should have been quashed. The Supreme Court, of course, backed us up on that.

Mr. KENNEDY. Excuse me.

Mr. CRUTCHFIELD. I say the Supreme Court backed us up on that, because the case was taken to the Supreme Court and the Supreme Court did send it back for trial.

The CHAIRMAN. As I understand, he first overruled a motion to quash the indictment; is that correct?

Mr. CRUTCHFIELD. Sir, I believe the thing he overruled was my motion to dismiss the demurrer. I believe that is it. I may be wrong, you see, there was a demurrer filed shortly after the indictment was returned, and that demurrer was amended approximately a year later, which is another reason why we were slightly surprised when these cases were kicked out at that time, because we figured that if it took them a year to dream up some grounds for getting the indictments quashed, the reason couldn't be too good.

The CHAIRMAN. All right.

Now, after they were quashed, you appealed it to the Supreme Court; did you?

Mr. CRUTCHFIELD. That is correct.

The CHAIRMAN. And the Supreme Court sustained your position that they were good indictments?

Mr. CRUTCHFIELD. And returned them to the local court for trial.

The CHAIRMAN. And ordered the case returned for trial?

Mr. CRUTCHFIELD. That is correct.

The CHAIRMAN. Then you did undertake to try the case; did you?

Mr. CRUTCHFIELD. That is correct.

The CHAIRMAN. What happened to you then?

Mr. CRUTCHFIELD. We presented the State's proof and at the close of the State's proof the case was dismissed or a directed verdict was entered.

The CHAIRMAN. You got a directed verdict at that time?

Mr. CRUTCHFIELD. Yes, sir.

The CHAIRMAN. But as to the quashing of the indictment, you had taken two indictments that had been tried and tested before, together with your research, drew the indictment on the basis of the facts according to the testimony that you had and presented it to the grand jury, and then the indictments were finally quashed, and you just couldn't understand it. Have you ever understood it?

Mr. CRUTCHFIELD. No, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. What is your recollection as far as showing these indictments to Judge Schoolfield prior to the time they were presented to the grand jury?

Mr. CRUTCHFIELD. I cannot swear that I did. My recollection is that I also took this indictment down and discussed it with him, and I suppose one reason that that is my recollection is the fact that I had gone over the other one with him. It would have been a normal thing to do. I can't swear that I did.

Mr. KENNEDY. The attorney general of the State of Tennessee whom you discussed this matter with remembers that you did go down; is that right?

Mr. CRUTCHFIELD. He says so. I can't swear to it.

Mr. KENNEDY. You can't swear to it. But it is his best recollection, or he has refreshed your recollection, that he believes that you did go down and show these and discuss these with Judge Schoolfield at the time they were first written and drawn up; is that right?

Mr. CRUTCHFIELD. Yes, sir; that is correct.

Mr. KENNEDY. Of course, the Supreme Court ultimately found that they were good indictments. What was your emotion when Judge Schoolfield quashed the indictments?

Mr. CRUTCHFIELD. I suppose you might say consternation. I just didn't have any idea that it would happen. I assumed when we went up for that argument it was simply a dilatory measure and had no expectation whatsoever that the indictments would be quashed.

Mr. KENNEDY. The defense hadn't even brought in this question that they were faulty indictments until approximately a year after the indictments?

Mr. CRUTCHFIELD. That is approximately, yes.

Mr. KENNEDY. They brought in other questions, but they didn't mention this until approximately a year after the indictments had been issued by the grand jury?

Mr. CRUTCHFIELD. I believe that is correct.

Mr. KENNEDY. Tell me, what was your feeling at the time that the judge issued a directed verdict, after the Supreme Court overruled him

on quashing the indictments and then he gave a directed verdict for the defendants?

Mr. CRUTCHFIELD. I suppose there you would say disgust. We had worked for 2½ years and there it went.

Mr. KENNEDY. Did you have any explanation for it?

Mr. CRUTCHFIELD. Of course, as Mr. Hixson stated, the rumors were all over the courthouse that the case would never get to the jury. Well, you could shrug and say that the rumors were correct.

Mr. KENNEDY. Were you surprised?

Mr. CRUTCHFIELD. I don't know that I would say I was surprised, considering the rumors. It seemed to follow right in the pattern of the rumors.

Mr. KENNEDY. There were many rumors that the case had been fixed?

Mr. CRUTCHFIELD. That is right.

Mr. KENNEDY. So when ultimately the judge gave a directed verdict for the defendant, you could not say that you were surprised, but that you were disgusted; is that right?

Mr. CRUTCHFIELD. That is correct.

The CHAIRMAN. If I am not mistaken, I am not sure about the law in Tennessee, but I think this holds true everywhere, when an instructed verdict of acquittal is given, they had been placed in jeopardy once for the offense and, therefore, could not again be tried?

Mr. CRUTCHFIELD. That is my understanding.

The CHAIRMAN. You are a lawyer. I am a little rusty so if I get wrong, you correct me.

Mr. CRUTCHFIELD. The question of double jeopardy is not one that I want to give a snap opinion on. But that is my understanding.

The CHAIRMAN. As I remember some little law I learned somewhere once, once you put them on trial and that jury is sworn, unless it is a hung jury, if the court dismisses it on the ground that the testimony is insufficient, they cannot be placed on trial again. You may appeal the case and the court might hold that this judge was in error, but they have been put in jeopardy once and couldn't be tried again. Am I right?

Mr. CRUTCHFIELD. I think so, yes, sir.

The CHAIRMAN. Thank you.

Is there anything further?

Mr. KENNEDY. I would like to recall Mr. Glenn Smith again, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Crutchfield.

Senator CURTIS. I want to ask you one thing.

Who was the attorney for the defense?

Mr. CRUTCHFIELD. H. G. B. King.

Senator CURTIS. To your knowledge were there any other attorneys defending in that action?

Mr. CRUTCHFIELD. Not to my knowledge, sir.

There is another man in his office, another couple of men, but I don't believe anyone else participated in the trial except Mr. King.

Senator CURTIS. No one appeared in court in any of these preliminary matters to your recollection except Mr. King?

The CHAIRMAN. All right.

Thank you very much.

Come forward, Mr. Smith.

TESTIMONY OF GLENN W. SMITH—Resumed

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. KENNEDY. I want to ask you about the \$18,500 and the \$1,500, Mr. Smith. Will you tell us anything about it?

Mr. SMITH. I claim my constitutional right not to be forced to testify against myself.

Mr. KENNEDY. Was the case in fact fixed?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Would you tell the committee where the \$18,500 went?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Was the \$18,500 paid to quash the indictments?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did any of this money go to Judge Schoolfield?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Would you tell the committee who made the arrangements with Judge Schoolfield?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. That is all for now.

Senator CURTIS. Did you know Judge Schoolfield before this trial?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. You certainly owe it to Judge Schoolfield if he didn't get any of that money; you certainly owe it to him to take an oath at this minute that he didn't get a nickel of it. Are you willing to do that?

Mr. SMITH. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Is there anything further?

The Chair may say for the record that Judge Schoolfield was apprised in general terms of the nature of the testimony. He was sent this wire:

I think it would be advisable that you attend hearings beginning Tuesday, December 17, 1957, at 2 p. m., as it is anticipated that testimony of a derogatory nature reflecting on your activities will be presented to the committee. You will be given an opportunity to testify.

This kind of testimony is not easy to take. We do not like to hear of anything that will cast any suspicion of wrongdoing on a law-enforcement officer or on any court of our land. I am not saying that

any money actually ever reached Judge Schoolfield. I do not know yet. But I do know, Mr. Smith, that you, by not telling us where the money went, are helping to create that impression, along with this other testimony, that the money was actually paid out to fix those indictments and get them quashed.

Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. You will remain here tomorrow. We may need you again, Mr. Smith.

The committee will stand in recess until 2:30 tomorrow.

(Committee members present at time of recess: Senators McClellan and Curtis.)

(Whereupon, at 4:30 p. m., the committee was recessed, to reconvene the following day at 2:30 p.m.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, DECEMBER 18, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD.
Washington, D. C.

The select committee reconvened at 2:30 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building. Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; LaVern J. Duffy, investigator; James P. McShane, investigator; Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the select committee present at the convening of the session: Senators McClellan, Ives, and Curtis.)

The CHAIRMAN. Mr. Kennedy, call the next witness.

Mr. KENNEDY. Mr. Chairman, we have one witness on the matter that we had hearings on yesterday, that I would like to finish prior to going into a new matter. His name is Mr. Jim West.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEST. I do.

TESTIMONY OF JAMES E. WEST

The CHAIRMAN. Will you state your name and your place of residence and your business or occupation.

Mr. WEST. Jimmy West, criminal investigator for the Internal Revenue Service, assigned to the Alcohol and Tobacco Tax Unit, Hickory, N. C.

The CHAIRMAN. How long have you been with the Internal Revenue Service?

Mr. WEST. Two years the 14th of November.

The CHAIRMAN. What did you do prior to that, Mr. West?

Mr. WEST. Prior to that I was with the police department in Chattanooga, Tenn.

The CHAIRMAN. How long were you with the police department?

Mr. WEST. I was with the police department approximately 7 years.

THE CHAIRMAN. For the last 9 years you were with the police department of Chattanooga and with the Internal Revenue Service? That has been your occupation?

MR. WEST. Yes, sir.

THE CHAIRMAN. Do you waive counsel, Mr. West?

MR. WEST. Yes, sir.

THE CHAIRMAN. Proceed.

MR. KENNEDY. Mr. West, for a period of time you were associated with Judge Schoolfield?

MR. WEST. That is right. I was his court officer.

MR. KENNEDY. You were his court officer?

MR. WEST. Yes, sir.

MR. KENNEDY. What was your responsibilities as court officer?

MR. WEST. To open his court, and to take care of the grand jury on the Tuesdays when it was in session, and do general work around his office.

MR. KENNEDY. What period of time was that?

MR. WEST. That was from about 1950, just prior to his getting elected for his 8-year term. About a month or two prior to his being elected I worked for him for 18 months.

MR. KENNEDY. Did you perform any other services or any other functions while you were the court officer?

MR. WEST. I did.

MR. KENNEDY. Would you explain that to the committee.

MR. WEST. Part of my salary came from being the judge's court officer and part of my salary came from the sheriff's department. I investigated homicides for Hamilton County, the county where Chattanooga is located.

MR. KENNEDY. You did that in addition to being the court officer for Judge Schoolfield?

MR. WEST. I did.

MR. KENNEDY. Did you do any other work, or did you do any other investigative work other than homicides?

MR. WEST. Yes, sir; I did. The sheriff that was elected there had run a restaurant prior to his getting into politics, and he had no prior law experience. I assisted him in searches and raiding illegal whisky places in the county.

MR. KENNEDY. Now, during the course of this investigative work that you were doing, did you work at all on these 13 teamster officials who were charged with assaults, arsons, and dynamiting, and were ultimately indicted?

MR. WEST. I took two statements, what I would say would be connected with the conspiracy and not on any assignment I had. That was a case that occurred inside the city, and the sheriff's department did their investigation outside the city. However, I took two statements from two persons that were supposed to have been present at the Robinson Freight Line when the night watchman was struck in the head and the tractor and trailer were burned.

MR. KENNEDY. You had learned of this information, and you took statements from people that had first-hand information regarding it?

MR. WEST. I did.

MR. KENNEDY. Regarding an assault and arson; is that right?

MR. WEST. That is right.

MR. KENNEDY. And that information was included in the indictment of these various teamster officials?

MR. WEST. I don't know whether it was or not.

MR. KENNEDY. The indictments were based on this information, and other information that was available to the attorney general's office?

MR. WEST. I think that is right.

THE CHAIRMAN. In other words, these two acts that occurred there, at what plant did you say?

MR. WEST. I believe that was the Robinson Freight Line, on 23d Street inside the city of Chattanooga.

THE CHAIRMAN. Where a night watchman was assaulted and the place set afire?

MR. WEST. That is right.

THE CHAIRMAN. On that part of the investigation you took two statements with respect to that?

MR. WEST. I did, sir.

THE CHAIRMAN. From witnesses?

MR. WEST. Yes, sir.

THE CHAIRMAN. And the statements which you took were placed in the files with respect to the indictment of these 13 people?

MR. WEST. Yes, sir.

THE CHAIRMAN. In one of the counts in the indictment there were several counts.

MR. KENNEDY. There were 10 counts.

THE CHAIRMAN. Did 1 of the 10 counts include this act of violence and the arson committed there?

MR. WEST. I am not familiar with the indictment.

MR. KENNEDY. It does, Mr. Chairman.

THE CHAIRMAN. You do not recall?

MR. WEST. I do not recall.

THE CHAIRMAN. Mr. Duffy, you have examined the indictments with respect to the incident that witnesses have been testifying to. Did the indictment include a count involving this arson and assault?

MR. DUFFY. Yes, Mr. Chairman; it did.

THE CHAIRMAN. That was 1 of the charges against the 13 indicted and whose indictment was quashed and later was given an instructed verdict for the defendant.

MR. DUFFY. That is correct.

THE CHAIRMAN. The Chair wanted to relate it to this particular investigation. Proceed.

MR. KENNEDY. Did you discuss those statements that you took with Judge Schoolfield?

MR. WEST. Yes; I did.

MR. KENNEDY. Would you just tell us about that, and what his feeling was?

MR. WEST. He said that was good evidence and he seemed enthused about it at that time.

MR. KENNEDY. How enthused; would you amplify on that at all?

MR. WEST. Sir?

MR. KENNEDY. Could you amplify on that at all? Could you go into it a little more in detail as to what his opinion was toward those statements, and whether he thought you should get the statements?

Mr. WEST. Well, I got the statements without his knowledge. After I had taken those statements, I took them and let him see them. He seemed to be enthused about the fact that I had them at that particular time.

Mr. KENNEDY. Did he make any suggestions as to what you should do with them?

Mr. WEST. Yes; I believe—I don't remember exactly, but either I took them to the attorney general, Cory Smith, or either he called him down there and gave them to him. That is where they went, to the attorney general.

Mr. KENNEDY. Was he anxious or particularly anxious in this case because it involved labor-union officials?

Mr. WEST. Yes.

Mr. KENNEDY. Would you explain that.

Mr. WEST. Well, do you want me to explain my reason for thinking that?

Mr. KENNEDY. As I understand it, he was very enthused about this information that you originally procured, isn't that right?

Mr. WEST. Yes; he was interested at that time in catching these people involved in this labor dispute.

Mr. KENNEDY. Had these labor officials opposed him in his election?

Mr. WEST. Yes; they had.

Mr. KENNEDY. And he was upset about that; is that right?

Mr. WEST. Well, he said he was going to do something to them.

Mr. KENNEDY. He was going to do something to them.

Mr. WEST. That is right.

Mr. KENNEDY. And he was particularly enthused when you were able to get this information in evidence?

Mr. WEST. That is right.

Mr. KENNEDY. Did his position on that matter change at a later time? During the course of the trial, did his demeanor toward this whole situation change?

Mr. WEST. Yes. Not too much later, I resigned from his employment and for some mysterious reason later these indictments were quashed.

Mr. KENNEDY. But prior to that when you were working with him, initially he was very enthused about this information and this evidence, was he not?

Mr. WEST. Yes, sir.

Mr. KENNEDY. And he wanted to get these labor officials?

Mr. WEST. That is right.

Mr. KENNEDY. And subsequently, the indictments which were based on this information, those indictments were quashed; is that right?

Mr. WEST. That is right, and he was particularly interested in getting this Glenn Smith.

Mr. KENNEDY. Now tell me, you say that you left his employment.

Mr. WEST. Yes.

Mr. KENNEDY. What was the reason for your leaving his employment?

Mr. WEST. Well, as I explained, part of my salary came from his office, and my duties with the sheriff's office, he wanted to confine to my working on homicide cases, and I had been helping the sheriff raid these illegal whisky places.

Mr. KENNEDY. I understand that you had been working just on homicide. But when this new sheriff came in, you were also helping and assisting him in other matters?

Mr. WEST. My title there was just to help him on homicides.

Mr. KENNEDY. But voluntarily, you were helping him on other matters?

Mr. WEST. That is right.

Mr. KENNEDY. Because you had this experience in the city of Chattanooga?

Mr. WEST. That is right.

Mr. KENNEDY. What were you specifically assisting him on?

Mr. WEST. On illegal gambling, and illegal whisky places that operated outside in the county, in clubs, and we were closing them down.

Mr. KENNEDY. Was that a major problem in Chattanooga at that time?

Mr. WEST. It was.

Mr. KENNEDY. And you were helping the sheriff in that matter and you were leading some raids with him on these places?

Mr. WEST. Yes; I was.

Mr. KENNEDY. Certainly Judge Schoolfield would be happy to have you do that, wouldn't he?

Mr. WEST. No; he told me one day just before I quit that he wanted me to confine my work to investigating homicides and quit raiding those clubs, that it was reflecting on him. I said "Judge, it looks like that is a kind of a restriction that you would want." And he said, "You don't understand politics, Wes," and I said "I guess I don't."

Mr. KENNEDY. Within a short period of time, did you leave your association?

Mr. WEST. Yes, sir.

Mr. KENNEDY. You ended your association with him?

Mr. WEST. Yes, sir.

Mr. KENNEDY. What brought that about?

Mr. WEST. This.

Mr. KENNEDY. And did you have any conversation with him or any of his assistants regarding it?

Mr. WEST. No; I discussed it with Harold Brown.

Mr. KENNEDY. Who was Harold Brown at that time?

Mr. WEST. Harold Brown at that time, I don't know if he was foreman of the grand jury, or not, but sometime during that time, he was foreman of the grand jury under the judge.

Mr. KENNEDY. And very close to the judge?

Mr. WEST. Yes, sir; they were friends.

Mr. KENNEDY. Very close friends, were they not?

Mr. WEST. Yes, sir.

The CHAIRMAN. The judge appoints the grand-jury foreman down there; does he not?

Mr. WEST. He does.

Mr. KENNEDY. What conversations did you have with Harold Brown, this associate of Judge Schoolfield?

Mr. WEST. Harold and I discussed what the judge had said to me, and the fact that he wanted me to quit assisting the sheriff in these

raids and as matter of fact he told me not to go with the sheriff on any more raids.

Mr. KENNEDY. Who told you that?

Mr. WEST. Judge Schoolfield. Harold and I discussed it, and he said, "Well, Jim, I would just do one of two things, I would do what he said or I would quit." And I said, "Well, I am going to quit," and I did.

Mr. KENNEDY. Were you upset or disturbed at the judge's attitude toward this matter?

Mr. WEST. Well, I felt like he was in the wrong.

Mr. KENNEDY. Did you know if he had during this period of time a close association with a good number of these racketeers and gamblers?

Mr. WEST. Yes, there would be some of them come around his office there quite often.

Mr. KENNEDY. You would see them around the office?

Mr. WEST. Yes; I would.

Mr. KENNEDY. And so that was why you left his employment; is that right?

Mr. WEST. Yes.

Mr. KENNEDY. Or left the association with him?

Mr. WEST. Yes, sir.

Mr. KENNEDY. This witness has a good deal more information than probably gets without the purview of the committee.

The CHAIRMAN. I only wanted to make this observation, that I wanted to keep this testimony within the purview of this committee's authority. The only purpose this last statement would serve would maybe be to sort of serve as background information as to the general attitude and the situation that prevailed there in that court.

We have the fact definitely established that \$18,000 or rather \$20,000 was drawn out of the union treasury, and the people responsible for drawing it out are taking the fifth amendment and will not tell where it went.

One of them, we have positive proof of him saying that it was used to fix these cases, and to get the indictment quashed. Anything that relates to that, or is a circumstance in connection with it that might reflect the general situation of the court down there, I am going to let a little of it in, but I am not going to go out beyond that as to any other acts of the judge, or his court, other than to just what may have some connection here with this particular \$20,000.

That is what the committee is interested in, and how it was used. As I told the witness yesterday if Judge Schoolfield did not get any of that money and if it was not used for that purpose, he was doing him a great disservice by not simply under oath stating what the facts were about it.

Senator IVES. If you will yield at that point, on that question, I think one thing we should make perfectly clear is that the purpose of this committee is to see what should be done in the way of legislation. There is no question about that.

Now, it seems here to me, and I am not a lawyer, and so I am at a great disadvantage with you and Senator Curtis when it comes to that, that we have a situation here where perhaps no new legislation would be involved outside of legislation controlling labor organizations

and their funds because we know this apparent use or misuse of this \$20,000.

On the other hand, we have a direct case of apparent law violation, and violence and lack of law enforcement in a locality in the country. I do not feel that Tennessee should be set aside and condemned because of this.

We have found situations in Nashville, and Knoxville, and now Chattanooga there. But heaven knows, Mr. Chairman, we found a situation that was not too rosy in the city of New York, in my own State. I think we have to bear in mind in dealing with this question that some of these matters cannot be solved by law and cannot be solved by legislation.

If you do not have law enforcement, there is nothing you can do by way of law that will solve them. I think that is one of the things that should be pointed up here. I realize that we should not go into the localities and investigate judges or anybody else who is a law-enforcement official in those localities, as you pointed out yourself. But I think that should be pointed out, what I have said should be pointed out in connection with the purpose of this committee.

That is to see what we should be doing in the way of legislation or should not be doing in that field.

Senator CURTIS. Mr. Chairman, I have just a question or two regarding dates. Mr. West, when did you become the judge's court officer?

Mr. WEST. About 1950. I don't remember the specific date.

Senator CURTIS. Was it in the fall or early in 1950?

Mr. WEST. It was just prior to his getting elected for his 8-year term, that he is serving now, and he got elected in 1950. I imagine that election was probably in September, so it was probably a month or two prior to that, or in November.

Senator CURTIS. You served for how long?

Mr. WEST. Eighteen months.

Senator CURTIS. That would mean the balance of 1950, and all of 1951, and then you served quite a while in 1952?

Mr. WEST. Whatever the 18 months would cover; yes.

Senator CURTIS. Well, it would probably go to sometime in the spring of 1952 from the fall of 1950. You had a few months there, and the 12 months in 1951, and then somewhere in 1952?

Mr. WEST. That is right.

Senator CURTIS. Now, the reason I asked that is this: I was interested in seeing how it connected up here.

You testified that you saw a change in the way things were handled in reference to the attitude in regard to the prosecution of this conspiracy involving certain labor people.

I find that yesterday it was developed that the conspiracy case was filed on May 8, 1951, and it proceeded along. The passing of the checks was in July of 1951. On July 6, 1951, the case that had originally been set for trial was set aside or delayed. Finally, on April 5, 1952, is the date that the judge entered the order quashing the indictment.

That is all, Mr. Chairman.

The CHAIRMAN. You were working for him all of the year 1951?

Mr. WEST. Yes, sir.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. No, Mr. Chairman. I believe this is all this witness has regarding this particular case, then as we develop as to why he left the office of Judge Schoolfield and the other matters that he has information on, we will not go into it at this time.

The CHAIRMAN. I understand this witness has a great deal of other information, from what the Chair knows about it.

It would probably not be pertinent to this particular subject matter, and therefore we are not going into it at this time.

Call the next witness, and thank you very much, Mr. West.

Mr. KENNEDY. The next witness I would like to call is on a different matter, and the first one I would like to call is Mr. Duffy, who will explain a little bit of the background, and then we will call some witnesses who will be able to fill in with first-hand information regarding this matter.

The CHAIRMAN. Mr. Duffy, will you come around, please, and give us a briefing on it.

You have been previously sworn, Mr. Duffy, and you may proceed, Mr. Kennedy.

TESTIMONY OF LaVERN J. DUFFY—Resumed

Mr. KENNEDY. Mr. Duffy, you made a study of the case of Mr. James Spence Galloway?

Mr. DUFFY. That is correct.

Mr. KENNEDY. And you have prepared a chronology from the docket of the Hamilton County criminal court?

Mr. DUFFY. That is correct.

Mr. KENNEDY. And you have a copy of that chronology in front of you?

Mr. DUFFY. Yes, sir.

Mr. KENNEDY. Mr. Chairman, we would like to have that chronology made a part of the record, and a copy of it has been furnished to members of the committee.

The CHAIRMAN. Do you have a copy before you that you prepared, and you prepared it yourself?

Mr. DUFFY. Yes, sir, from the court records.

The CHAIRMAN. You know it is accurate?

Mr. DUFFY. Yes, sir, Mr. Chairman.

The CHAIRMAN. It may be made a part of the record at this point.

RULE DOCKET, HAMILTON COUNTY CRIMINAL COURT, CHATTANOOGA, TENN.

Docket No. 87241. *State v. James Spence Galloway*. Offense charged: Grand larceny and receiving and concealing stolen property. Indictment filed June 16, 1953

August 1, 1953: Case assigned for October 1, 1953, in Judge Raulston Schoolfield's court.

October 1, 1953: Acquitted on the grand-larceny charge. Hung jury on concealment-of-stolen-property charge.

January 26, 1954: Convicted before a jury of concealment-of-stolen-property charge: 3 years' sentence.

January 30, 1954: Galloway filed motion for new trial.

February 8, 1954: Hearing on the motion for a new trial continued to February 27, 1954.

February 27, 1954: Continued to March 8, 1954.

March 8, 1954: Continued to March 15, 1954.

March 15, 1954: Continued to April 12, 1954.

April 12, 1954: Continued to April 17, 1954.

April 17, 1954: Continued to May 24, 1954.

May 24, 1954: Amended motion for a new trial; Judge Schoolfield overruled motion for a new trial.

June 23, 1954: New trial granted non pro tunc (as of June 5, 1954). Case assigned for September 29, 1954.

September 29, 1954: Continued to October 13, 1954, for disposition.

October 13, 1954: Plea of guilty entered on the charge of receiving and concealing stolen property; sentenced to 3 years.

On the same morning that Galloway petitioned the court for parole, he was paroled by Judge Schoolfield.

MR. KENNEDY. The case went through the court of Judge Raulston Schoolfield; is that right?

MR. DUFFY. That is correct.

MR. KENNEDY. And a key figure in this matter is Mr. Boling?

MR. DUFFY. Mr. H. L. Boling, secretary-treasurer of teamster local 515 in Chattanooga.

MR. KENNEDY. Would you feel that he was probably the key figure in this case?

MR. DUFFY. I would say that, Mr. Kennedy.

THE CHAIRMAN. Mr. Boling is secretary-treasurer of what?

MR. KENNEDY. Teamster local 515 in Chattanooga. I wanted to get this document in the record at this time so it could be followed as we go along.

THE CHAIRMAN. Are there any questions?

If not, thank you very much.

Call the next witness.

MR. KENNEDY. Mr. James Spence Galloway.

THE CHAIRMAN. Come forward, Mr. Galloway.

You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. GALLOWAY. I do.

TESTIMONY OF JAMES SPENCE GALLOWAY

THE CHAIRMAN. State your name, your place of residence, and your business or occupation.

MR. GALLOWAY. James Spence Galloway, 201 Cherokee Boulevard, Chattanooga, Tenn.

THE CHAIRMAN. James Spence?

MR. GALLOWAY. James Spence Galloway. I am a service-station operator.

THE CHAIRMAN. A what?

MR. GALLOWAY. Service-station operator.

THE CHAIRMAN. Do you waive counsel?

MR. GALLOWAY. Yes.

THE CHAIRMAN. Thank you.

Go ahead, Mr. Kennedy.

MR. KENNEDY. Mr. Galloway, in 1953 you operated a filling station in the city of Chattanooga, Tenn.; is that right?

MR. GALLOWAY. That is right.

Mr. KENNEDY. You were indicted in Judge Raulston Schoolfield's criminal court on June 16, 1953?

Mr. GALLOWAY. I am not sure about the date, but it was that time.

Mr. KENNEDY. And the case was handled in Judge Raulston Schoolfield's court?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. The record shows it was June 16, 1953. The charge was grand larceny and concealment of stolen property?

Mr. GALLOWAY. That is right.

The CHAIRMAN. To get the record straight, is that the only time you were indicted in his court, the only case you ever had?

Mr. GALLOWAY. Yes.

The CHAIRMAN. Then it must be the case we were talking about.

Mr. KENNEDY. On October 1, 1953, that case was tried in Judge Schoolfield's court?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. And you were acquitted on the grand-larceny charge?

Mr. GALLOWAY. Right.

Mr. KENNEDY. And there was a hung jury on the concealment of stolen property?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. And the government decided to try the case, the concealment of stolen property, again, is that right, after the hung jury?

Mr. GALLOWAY. The who?

Mr. KENNEDY. The government, the State.

Mr. GALLOWAY. The State, yes.

Mr. KENNEDY. The State government decided to move ahead?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. So you were tried on the concealment of stolen property, and on June 26, 1954, you were convicted?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. In the State of Tennessee, as I understand it, it is the jury that determines the sentence; is that right?

Mr. GALLOWAY. I believe that is right.

Mr. KENNEDY. And they determined a sentence of 3 years for you?

Mr. GALLOWAY. That is correct.

Mr. KENNEDY. During this period of time, did you make any approaches to anybody to see if you could get your case handled or fixed or taken care of?

Mr. GALLOWAY. I made several approaches to several different people, yes.

Mr. KENNEDY. Did you talk to Mr. Boling of the teamsters union?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. Mr. H. L. Boling?

Mr. GALLOWAY. I did.

Mr. KENNEDY. You had some conversations with him?

Mr. GALLOWAY. I did.

Mr. KENNEDY. What did he tell you he would do?

Mr. GALLOWAY. He said he would see what he could do to help me.

Mr. KENNEDY. What about Mr. Jones, did you talk to him?

Mr. GALLOWAY. I did.

Mr. KENNEDY. Who is Mr. Jones?

Mr. GALLOWAY. He is a bondsman.

Mr. KENNEDY. What is his first name?

Mr. GALLOWAY. Sam Jones.

Mr. KENNEDY. He is a bondsman in the city of Chattanooga?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. You talked to him?

Mr. GALLOWAY. I did.

Mr. KENNEDY. What did he say?

Mr. GALLOWAY. He said about the same thing Mr. Boling did; he said he would see what he could do.

The CHAIRMAN. Was this after you had gotten your sentence—after you were tried?

Mr. GALLOWAY. No. I talked to Mr. Jones before I was ever tried the first time.

The CHAIRMAN. Then when did you talk with Mr. Boling with respect to your second trial?

Mr. GALLOWAY. Well, it was 3 or 4 trials. I don't remember which one you call the second trial.

The CHAIRMAN. I call the second one the one after the first. I don't know how many trials you had. You did talk to him, anyway, regarding your troubles there and your problems?

Mr. GALLOWAY. I did talk to him; yes.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Both of them said they would see what they could do?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. Nevertheless, on January 26, 1954, you were convicted?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. And you received the sentence of 3 years?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. What were your efforts after that? You wanted to try to get a new trial; is that right?

Mr. GALLOWAY. My lawyer appealed for a new trial.

Mr. KENNEDY. And that is what you personally wanted, a new trial, and to get paroled, if possible; is that right?

Mr. GALLOWAY. That is what the lawyer suggested; we could get a new trial if we could get anything.

Mr. KENNEDY. So all your efforts were aimed at trying to get a new trial at that time?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. And you filed a motion for a new trial on January 30, 1954?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. Then on May 24, after various postponements, on May 24, 1954, Judge Schoolfield overruled your motion for a new trial. Do you remember that?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. That occurred; did it not?

Mr. GALLOWAY. Yes; it did.

Mr. KENNEDY. Then were you getting worried about the fact that you would have to go to jail for 3 years?

Mr. GALLOWAY. I had been worried from the first day.

Mr. KENNEDY. You were particularly worried during the time when Judge Schoolfield overruled your motion; is that right?

Mr. GALLOWAY. I imagine I was; yes.

Mr. KENNEDY. Did you go back and talk to Mr. Jones?

Mr. GALLOWAY. No. I think I had already talked to Mr. Jones before that.

Mr. KENNEDY. So you had talked to him in between January 30 and May?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. Had he said anything to you at that time about whether he could get the case taken care of or the case fixed?

Mr. GALLOWAY. He said he was working on it.

Mr. KENNEDY. He said he was working on it?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. So you had a number of conversations with him?

Mr. GALLOWAY. Yes; I did.

Mr. KENNEDY. Did he ever tell you that he had found out anything? Did he ever reach anything more definite? Did you have any more definite conversations with him other than the fact that he was working on it?

Mr. GALLOWAY. Yes. Sometime in 1954.

Mr. KENNEDY. You called him or did he call you? Did Mr. Jones call you?

Mr. GALLOWAY. I believe I called him and he came by.

Mr. KENNEDY. What did he say to you at that time?

Mr. GALLOWAY. He said that he could get the thing handled for \$1,000.

Mr. KENNEDY. He told you at that time that he could get it handled. In the course of the conversation, did you discuss what handling meant, which was getting a new trial and getting paroled? Is that what you wanted?

Mr. GALLOWAY. I don't know if that was discussed, but that was my understanding.

Mr. KENNEDY. In having it handled?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. He said that for \$1,000 he felt he could get it handled?

Mr. GALLOWAY. He believed he could get it handled.

Mr. KENNEDY. Did you have \$1,000 at that time?

Mr. GALLOWAY. No.

Mr. KENNEDY. Did you go out to try to raise \$1,000?

Mr. GALLOWAY. I did.

Mr. KENNEDY. Did you sell your filling station?

Mr. GALLOWAY. I did.

Mr. KENNEDY. You sold everything you had to raise the \$1,000?

Mr. GALLOWAY. I sold the station. I wouldn't say I sold everything I had. That was about all I had; yes.

Mr. KENNEDY. You sold your business to get the \$1,000?

Mr. GALLOWAY. Yes, sir.

Mr. KENNEDY. And you were able to raise the \$1,000?

Mr. GALLOWAY. Yes, sir.

Mr. KENNEDY. On June 10, 1954, you received a check for \$1,000?

Mr. GALLOWAY. I wouldn't be sure about the date, but I got the check.

The CHAIRMAN. I hand you here what appears to be the original check for your identification, please, sir.

(Document handed to witness.)

Mr. KENNEDY. Is that correct?

Mr. GALLOWAY. That is right.

The CHAIRMAN. That check may be made exhibit 24.

(The document referred to was marked "Exhibit No. 24" for reference and will be found in the appendix on p. 7509.)

Mr. KENNEDY. That check is dated June 10, 1954; is that correct?

Mr. GALLOWAY. That is correct.

Mr. KENNEDY. Just prior to that time you had borrowed \$500 from Mr. Penny?

Mr. GALLOWAY. I did; yes.

Mr. KENNEDY. So you had the necessary money by June 10, 1954?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. This was within several weeks after you had learned that Judge Schoolfield had overruled your motion for a new trial?

Mr. GALLOWAY. I believe you said that was in May.

Mr. KENNEDY. May 24, 1954. And these conversations that you had with Mr. Jones about raising the \$1,000 were subsequent to that ruling by Judge Schoolfield, were they not?

Mr. GALLOWAY. I suppose it was; yes.

Mr. KENNEDY. Is that the fact?

Mr. GALLOWAY. I can't remember. I wouldn't be sure about that.

Mr. KENNEDY. Did you go out to try to raise the money shortly after you had the conversation with Mr. Jones?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. So you raised the money starting around June 5 to June 10?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. So it would indicate from the facts that it was after Judge Schoolfield made the ruling that there would be no new trial?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. You raised the \$1,000. Then did you get that \$1,000 in the form of cash? You had that \$1,000 in the form of cash, did you?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. Did you turn the cash over to Mr. Jones?

Mr. GALLOWAY. Yes.

Mr. KENNEDY. Do you know approximately when you turned the cash over?

Mr. GALLOWAY. No, I sure don't.

Mr. KENNEDY. Within a few days after you raised the money?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. Sometime after June 10, 1954?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. That \$1,000 was paid to Mr. Jones with the understanding that he could fix this case for you; is that right?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. And to fix the case, you understood what you wanted was to get a new trial?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. Did you subsequently obtain a new trial?

Mr. GALLOWAY. Yes, I did.

Mr. KENNEDY. Judge Schoolfield, on June 23, 1954, granted you a new trial; did he not?

Mr. GALLOWAY. I am not sure about the date.

Mr. KENNEDY. The record shows that on June 23, 1954, Judge Schoolfield overruled his earlier ruling and granted a new trial, and subsequently you pled guilty; did you?

Mr. GALLOWAY. To the lesser charge; yes.

Mr. KENNEDY. To the charge, and he sentenced you to 3 years in prison and on that very day, that same day, he paroled you; is that right?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. So you got everything that you wanted?

Mr. GALLOWAY. That is right.

Mr. KENNEDY. You felt that the \$1,000 was well spent?

Mr. GALLOWAY. I did.

Mr. KENNEDY. You paid \$1,000 to get the case fixed and it was fixed?

Mr. GALLOWAY. I did.

Mr. KENNEDY. Thank you.

The CHAIRMAN. What is the connection of Boling? Was Boling present when that money was paid?

Mr. GALLOWAY. No, sir.

The CHAIRMAN. What did you do with the money?

Mr. GALLOWAY. What did I do with the money?

The CHAIRMAN. Yes.

Mr. GALLOWAY. I gave it to Mr. Jones.

The CHAIRMAN. Where did you go with him after you gave him the money?

Mr. GALLOWAY. I didn't go anywhere with him.

The CHAIRMAN. You just gave him the money?

Mr. GALLOWAY. Yes.

The CHAIRMAN. I was trying to get what Mr. Boling had to do with it.

Mr. KENNEDY. We will bring that out with the next witness.

The CHAIRMAN. You have other proof?

Mr. KENNEDY. Yes.

The CHAIRMAN. Anyway, you gave Jones the money and you got the results?

Mr. GALLOWAY. That is right.

The CHAIRMAN. You have been pretty happy about it, I suppose?

Mr. GALLOWAY. Well, I was happy to get out of the mess; yes. Anybody would have been.

The CHAIRMAN. Yes.

Senator CURTIS?

Senator CURTIS. You did know Boling?

Mr. GALLOWAY. Yes.

Senator CURTIS. This labor official there?

Mr. GALLOWAY. Yes.

Senator CURTIS. And he was one of the first people you talked to about getting this arranged, was it not?

Mr. GALLOWAY. No, sir; I wouldn't say that.

Senator CURTIS. But you did talk to him?

Mr. GALLOWAY. I did talk to him.

Senator CURTIS. That is all.

Mr. KENNEDY. Thank you very much.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Sam Jones.

The CHAIRMAN. Come forward, Mr. Jones.

Be sworn, please. Do you solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JONES. I do.

TESTIMONY OF SAM C. JONES

The CHAIRMAN. Mr. Jones, state your name, your place of residence, and your business or occupation.

Mr. JONES. My name is Sam C. Jones. I live at 115 Signal Mountain Road, and I am a professional bondsman.

The CHAIRMAN. How long have you been in the professional bonds business, Mr. Jones?

Mr. JONES. I would say practically 15 years.

The CHAIRMAN. You make bonds for people charged with crime?

Mr. JONES. That is right.

The CHAIRMAN. You are not in the surety business, then?

Mr. JONES. No, sir.

The CHAIRMAN. You are a plain professional bondsman?

Mr. JONES. Yes.

The CHAIRMAN. Do you waive the right to counsel?

Mr. JONES. I do.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Jones, do you know Mr. Spence Galloway?

Mr. JONES. I do.

Mr. KENNEDY. You knew or learned that Mr. Spence Galloway had been indicted and convicted for concealment of stolen property?

Mr. JONES. I do.

Mr. KENNEDY. Had he approached you during this period of time about getting some arrangement made for his case, getting his case dismissed, or getting a new trial?

Let me start over again. Did he have any conversations with you at all about his difficulty?

Mr. JONES. Well, Mr. Spence Galloway, Bertie Walker, and Frank Stevens come to me one Sunday morning, and I knowed he had been arrested on it, and conferred with me as to who would be the best lawyer, and I told them who I thought would be all right. That is the first time I knew Mr. Galloway.

Mr. KENNEDY. He wanted you to name a good lawyer?

Mr. JONES. That is right.

Mr. KENNEDY. And you told him who you thought would be a good lawyer?

Mr. JONES. I did.

Mr. KENNEDY. Did you have conversations with him subsequent to that?

Mr. JONES. I did after he was convicted.

Mr. KENNEDY. After he was convicted, you had another conversation with him; is that right?

Mr. JONES. I did.

Mr. KENNEDY. At that time he wanted to get a new trial, did he?

Mr. JONES. That is right.

Mr. KENNEDY. And he spoke to you about that?

Mr. JONES. He did.

Mr. KENNEDY. What did you say? What did you tell him?

Mr. JONES. Well, the fact was I think he was trying to get everybody to get him a new trial. He was seeing everybody.

Mr. KENNEDY. I want to know what you said to him, Mr. Jones. I don't want to know about the fact that he talked to a lot of different people. That is one thing. I want to know what conversations you had with him.

Mr. JONES. He come to me and wanted to know if there was anything I could do for him, and I said I would see what I could do.

Mr. KENNEDY. What did you have in mind you were going to do for him?

Mr. JONES. I was going to see a party and see what could be done about it, to see if he could get a new trial and a parole.

Mr. KENNEDY. Did you have a conversation with him subsequently?

Mr. JONES. With who?

Mr. KENNEDY. With Mr. Galloway subsequently to that.

Mr. JONES. After I talked with this party I did.

Mr. KENNEDY. What conversation did you have with him at that time?

Mr. JONES. I told him if he could get up a thousand dollars, I told him I thought things would work out for him.

Mr. KENNEDY. That he would get a new trial?

Mr. JONES. That is right.

Mr. KENNEDY. This was shortly after Judge Schoolfield overruled his motion for a new trial?

Mr. JONES. That is true.

Mr. KENNEDY. And you told him that you thought you could get a new trial for \$1,000?

Mr. JONES. That is right.

Mr. KENNEDY. Who did you tell about this?

Mr. JONES. Crawford Bean.

Mr. KENNEDY. A lawyer in Chattanooga?

Mr. JONES. That is right.

Mr. KENNEDY. Why had you gone to him?

Mr. JONES. Well, me and Crawford had been in connections together quite a bit, cases together, and I figured that he could be the proper man to talk about it.

Mr. KENNEDY. Why did you go to him? Why did you select him to go to?

Mr. JONES. Well, I figured he would be the one to go to.

Mr. KENNEDY. Why? Did he have some association with anyone? Or why?

Mr. JONES. The lawyers want to get things like that done.

Mr. KENNEDY. Why did you select him to go to?

Mr. JONES. You know I am not going to the judge myself and talk to the judge about a case like that.

Mr. KENNEDY. You wanted somebody to talk to the judge about it? For you?

Mr. JONES. I am not going to talk to the judge. I am going to send an attorney.

Mr. KENNEDY. Did the attorney know the judge?

Mr. JONES. Yes, sir.

Mr. KENNEDY. Was he a close associate of the judge?

Mr. JONES. He is.

Mr. KENNEDY. So you went to him for that reason?

Mr. JONES. That is right.

Mr. KENNEDY. And he said for \$1,000 he thought it could be arranged?

Mr. JONES. That is right.

Mr. KENNEDY. So you went back to Spence Galloway and told him for \$1,000 you thought he could get what he wanted, you thought the case could be fixed?

Mr. JONES. That is true.

Mr. KENNEDY. So he got up \$1,000?

Mr. JONES. He did.

Mr. KENNEDY. And he got up the \$1,000 in cash, did he not?

Mr. JONES. That is right.

Mr. KENNEDY. And that was approximately around some time after June 10, 1954?

Mr. JONES. I don't recall the date. But he got up \$1,000, yes.

Mr. KENNEDY. Did you then turn over that \$1,000 to this lawyer that you mentioned?

Mr. JONES. No, sir; I did not.

Mr. KENNEDY. What did you do with the \$1,000?

Mr. JONES. It didn't seem like he would get anything done. It was a couple of weeks, I guess it was. He called me every now and then and said "Well, I haven't got nothing done yet." He just never did get nothing done.

Mr. KENNEDY. Did you try to look around for different sources?

Mr. JONES. No, sir. I didn't try to look around. I just gave it up at that time.

Mr. KENNEDY. What happened subsequently?

Mr. JONES. Well, I was going through the courthouse, and I am at the courthouse every day, that is my business, and I was going through the courthouse one day and I met Mr. Lou Boling.

Mr. KENNEDY. Mister who?

Mr. JONES. Mr. Lou Boling.

Mr. KENNEDY. That is the business agent of the teamsters?

Mr. JONES. That is true.

Mr. KENNEDY. You met him in the courthouse?

Mr. JONES. He was standing out there, and I went through and he hollered at me and said "What happened to Spence Galloway's case," and I said "Nothing. And it don't look like nothing can be done about it."

Mr. KENNEDY. What else?

Mr. JONES. I said "And I still have \$1,000 of his money, but I guess I will have to turn it back over to him."

Something came up about the judge announcing for governor that day.

Mr. KENNEDY. Wait a minute. You told him you had \$1,000 of Galloway's money?

Mr. JONES. I did.

Mr. KENNEDY. Which was to fix this case. You told him you had the \$1,000 with you at that time?

Mr. JONES. Yes.

Mr. KENNEDY. You had it right there in your pocket?

Mr. JONES. That is right.

Mr. KENNEDY. You happened to be walking down to the courthouse with \$1,000 of Mr. Galloway's money in your pocket?

Mr. JONES. That is right.

Mr. KENNEDY. And you met Mr. Boling by chance?

Mr. JONES. Yes.

Mr. KENNEDY. And you told him you had the \$1,000 in your pocket. What did he say at that time?

Mr. JONES. I believe Mr. John Taylor came along and we got into a discussion about something about the judge going to announce for governor that day.

Mr. KENNEDY. Who is Mr. Taylor?

Mr. JONES. His court officer, John Taylor.

Mr. KENNEDY. Whose court officer?

Mr. JONES. Schoolfield's. He left some time or another and then Mr. Boling was still standing there talking about it. And Mr. Harold Brown, which I didn't know him at that time——

Mr. KENNEDY. Who was Harold Brown?

Mr. JONES. Well, he is assistant State attorney up there now.

Mr. KENNEDY. What was he at that time?

Mr. JONES. I don't remember what he was at that time. I didn't know Mr. Brown at that time.

Mr. KENNEDY. Did you know he was a special prosecutor in the Galloway case?

Mr. JONES. I didn't know at that time.

Mr. KENNEDY. Did you learn subsequently?

Mr. JONES. I learned maybe he was.

Mr. KENNEDY. Did Mr. Boling say he was a close associate of Judge Schoolfield?

Mr. JONES. Mr. Harold Brown?

Mr. KENNEDY. Yes.

Mr. JONES. I don't know that he said he was close to Mr. Schoolfield. I don't know about that.

Mr. KENNEDY. Anyway, he came along?

Mr. JONES. That is right. And Mr. Boling and Mr. Brown talked a little bit.

Mr. KENNEDY. What do you mean they talked a bit? Did they talk there in front of you?

Mr. JONES. They did.

Mr. KENNEDY. What did they talk about? What did you talk about?

Mr. JONES. Well, different things that they talked about there, and then they went off, you know.

Mr. KENNEDY. They moved to the side, Mr. Boling moved to the side with Mr. Brown?

Mr. JONES. Yes.

Mr. KENNEDY. What kind of conversation did they have?

Mr. JONES. I don't know what they talked about.

Mr. KENNEDY. Did they have a secret conversation then?

Mr. JONES. Yes. I couldn't hear all that they was talking about. I don't know what they was talking about.

Mr. KENNEDY. But they went off to the side and had a conversation between the two of them?

Mr. JONES. Yes.

Mr. KENNEDY. Then they returned to you, did they?

Mr. JONES. Yes.

Mr. KENNEDY. What was said to you?

Mr. JONES. Mr. Brown said, "I understand you have \$1,000 to donate to the governor's campaign," and I said, "Well, I have \$1,000 here."

I looked at Mr. Boling and he said, "Give Mr. Brown the money."

Mr. KENNEDY. So you gave him the money?

Mr. JONES. I gave him \$1,000.

Mr. KENNEDY. You gave him the \$1,000 of Mr. Galloway's. Then you left, that was the end of the conversation?

Mr. JONES. I left and Mr. Brown and Mr. Boling went off together.

Mr. KENNEDY. Did you learn the following day that Schoolfield had overruled his earlier motion of refusing to grant a new trial and had granted a new trial?

Mr. JONES. I heard he granted it in the next day or two. I don't know when.

Mr. KENNEDY. So the \$1,000 you thought was well spent?

Mr. JONES. I thought it was.

Mr. KENNEDY. You had given the \$1,000 for that purpose?

Mr. JONES. It was for that purpose, you know.

Mr. KENNEDY. To get the new trial. You had given the \$1,000 to get the new trial?

Mr. JONES. Let's look at it this way. If any man is looking for anything, any donation to the governor or anything else, that is the way they get pardons. It is the same with the judge. You ain't going to volunteer to get a pardon or paroled or anything without a donation.

The CHAIRMAN. Let me see a moment.

You had \$1,000 to get a new trial. That is what it was given for?

Mr. JONES. That is right.

The CHAIRMAN. You didn't have \$1,000 to donate to anybody's campaign?

Mr. JONES. I have done it.

The CHAIRMAN. I didn't say that. That \$1,000, though, wasn't given to you to donate to anybody's campaign?

Mr. JONES. I have donated \$1,000.

The CHAIRMAN. I didn't ask you what you had done.

Mr. JONES. I have given a lot there in Chattanooga.

The CHAIRMAN. I am talking about that \$1,000 that you had from Galloway was given to you for one purpose, and that was to get a new trial. He wasn't concerned about who was elected governor at the moment he gave it to you; was he?

Mr. JONES. No.

(At this point Senator Ives left the hearing room.)

The CHAIRMAN. So it was given to you to get a new trial?

Mr. JONES. I didn't even know he was going to run for governor at that time.

The CHAIRMAN. So it wasn't a campaign contribution when it was given to you?

Mr. JONES. At that time it was mentioned about him running.

The CHAIRMAN. At the time it was given to you it was not a campaign contribution?

Mr. JONES. When Galloway gave it to me it wasn't.

The CHAIRMAN. When you gave it there, as a campaign contribution, you gave it under the impression that you were going to get a new trial for this man, is that true?

Mr. JONES. I didn't guarantee him I would get him one, but I thought I could.

The CHAIRMAN. That is right.

Mr. JONES. Through the word——

The CHAIRMAN. Just a moment. Let's be factual about it. You thought at the time you gave that money to Brown at Boling's suggestion that you were going to get a new trial for the man?

Mr. JONES. That is true.

The CHAIRMAN. You wouldn't have given it otherwise?

Mr. JONES. No, I——

The CHAIRMAN. Not that money. You might have given your own, but you wouldn't have given that \$1,000 in a campaign fund, unless you thought you were going to get a new trial?

Mr. JONES. I thought that he would get results on that \$1,000.

The CHAIRMAN. That is right.

Mr. JONES. That's right.

The CHAIRMAN. You thought you were getting results?

Mr. JONES. That is right.

The CHAIRMAN. And you were right in that thought, were you not?

Mr. JONES. Well, I thought I was.

The CHAIRMAN. You thought so, and you proved to be right in it. You did get results 2 or 3 days later, is that not a fact?

Mr. JONES. That is right.

The CHAIRMAN. One day later?

Mr. JONES. That is right.

I don't remember what day it was. I know it was shortly after then.

The CHAIRMAN. Yes. But anyhow, you had no authority to give it as a campaign contribution as such, but you did have authority to use it to get a new trial?

Mr. JONES. That is the way a lot——

The CHAIRMAN. Whether you put it under campaign contributions or whether you——

Mr. JONES. That is the way a lot of them get it, a pardon, parole and a lot of them.

The CHAIRMAN. I am not talking about a lot. I am talking about what happened here. You gave it, as you said here, as a campaign contribution, but you gave it for the purpose of getting the man a new trial?

Mr. JONES. That is right.

The CHAIRMAN. All right.

Mr. KENNEDY. Mr. Chairman, I might say that the reason we know it was the following day is from the newspaper, the Chattanooga News Free Press, announced on June 22 that Schoolfield was going to run for the governorship, and that is the time they had this conversation. That was an afternoon newspaper. That was the day, according to this witness' testimony, that they had the conversation about giving the \$1,000, and you could see from the chronology that Judge Schoolfield granted a new trial on June 28, which, of course, was the following day.

The CHAIRMAN. All right.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Jones, how did you arrive at the figure of \$1,000 as being the amount or near the amount that would be needed to get a new trial?

Mr. JONES. Well, that is what this lawyer told me. Mr. Bean——

Senator CURTIS. Which lawyer?

Mr. JONES. Mr. Crawford Bean.

Senator CURTIS. Mister who?

Mr. JONES. Mr. Crawford Bean.

Senator CURTIS. And he is the man that didn't get anything done?

Mr. JONES. That's right.

Senator CURTIS. Do you know if he ever talked to the judge?

Mr. JONES. I don't know whether he ever did or not.

Senator CURTIS. When Mr. Boling spoke to you in the courthouse that day, did his remarks indicate that he knew something about the Galloway case?

Mr. JONES. I think he did. He and Mr. Brown, I think, are pretty close friends about it, everything about it, and I think he did.

Senator CURTIS. Did Boling and Brown accompany the judge when he went out and campaigned for governor?

Mr. JONES. I don't know as Mr. Brown ever did, but I know Mr. Boling did.

Senator CURTIS. Boling did?

Mr. JONES. When he went out to campaign, he did, and I also did.

Senator CURTIS. Boling was with the judge quite a little?

Mr. JONES. Yes, sir; when he was running for governor, yes, sir.

Senator CURTIS. Was he with him other times, before he ran for governor?

Mr. JONES. Well, I couldn't say that he was. I have seen him in his courtroom, but I never could say he had been with him other than that. But I know the truth is, when he was on his campaign, making speeches, Boling was along, and I also was along on a lot of occasions.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. Mr. Chairman, I just want to ask one question and summarize the facts.

When Brown walked by, did Boling say to you, after you discussed the fact that you had the \$1,000 in your pocket, didn't he say to you at that time, "There's someone who can help you on this deal," or words to that effect?

Mr. JONES. He said there was someone who could pull a deal like that, or something; yes.

Mr. KENNEDY. He said there was someone who looked like they could bring this sort of a deal through?

Mr. JONES. Yes.

Mr. KENNEDY. I want to see if this summarizes what you told us; that you told Spence Galloway that he could get a new trial and parole for \$1,000 or, in substance, could fix the case?

Mr. JONES. I told him that; yes.

Mr. KENNEDY. That is No. 1. When you met with Mr. Boling, he asked you a question as to how Spence Galloway was doing?

Mr. JONES. That is right.

Mr. KENNEDY. At that time, you told him that it didn't seem to be going too well, this is the third fact, but that you had \$1,000 of Spence Galloway's money for the purpose of getting a new trial and getting a parole?

Mr. JONES. Yes.

Mr. KENNEDY. That is fact No. 3. You told him that you had this \$1,000 of Galloway's money in your pocket; is that right?

Mr. JONES. That is right.

Mr. KENNEDY. Then he pointed to Brown and said, "There is someone who can help you on the deal," or words to that effect?

Mr. JONES. I don't know whether he directly pointed to Brown or not, but anyhow he said, "I think we will see what we can work on it."

Mr. KENNEDY. When Boling came by, didn't he say there is someone?

Mr. JONES. He said, "Let me see Mr. Brown."

Mr. KENNEDY. All right. Then Brown and Boling had a secret conversation after that, away from you; isn't that right?

Mr. JONES. Yes.

Mr. KENNEDY. That is the next fact. Then he came back and Brown said to you, "I understand you have \$1,000 for the governor's campaign"?

Mr. JONES. That is right.

Mr. KENNEDY. You turned to Boling, and Boling knew that this \$1,000 was to fix this case, and you turned to Boling and he said, "Give him the money"?

Mr. JONES. Yes.

Mr. KENNEDY. You gave him the money. That is the next fact, and the next fact is that there was granted a new trial, on the following day, granted by the judge?

Mr. JONES. I think it was the next day.

Mr. KENNEDY. And, subsequently, Mr. Galloway was paroled?

Mr. JONES. That is right.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Brown.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BROWN. I do.

TESTIMONY OF HAROLD E. BROWN

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. BROWN. Harold E. Brown, 4915 Greenview Drive, Chattanooga, Tenn. I am an attorney, presently assistant district attorney general for the Sixth Judicial Circuit of Tennessee.

The CHAIRMAN. Thank you very much. You waive counsel?

Mr. BROWN. Yes, sir.

The CHAIRMAN. Mr. Kennedy, proceed.

Mr. KENNEDY. What have you been doing since 1946, roughly? I don't want the names of all of the companies, but the general kind of work.

Mr. BROWN. I came back from the Navy in 1946, and I went back into the police department where I had been prior to entering the Navy, and during that year and during 1947 I was assigned to the racket squad. We arrested certain people that we were not supposed to, and we were taken off and put in uniform. I took a leave of absence from the police department to conduct studies in school. I went to law school and then worked as a terminal manager in the daytime.

Mr. KENNEDY. Where were you serving in the police department?

Mr. BROWN. In the city of Chattanooga, sir.

Mr. KENNEDY. You were with various trucking companies, then?

Mr. BROWN. That is right.

Mr. KENNEDY. For what period of time were you with trucking companies?

Mr. BROWN. From 1947 until 1956, March of 1956, when I went into the attorney general's office as an assistant.

Mr. KENNEDY. During that period of time, did you make the acquaintance of Mr. Boling, of the teamsters union?

Mr. BROWN. Yes, sir.

Mr. KENNEDY. When did you first meet him?

Mr. BROWN. Well, when I first went back in the trucking business, I was selected on the operators committee to negotiate contracts, union contracts, citywide contracts, and Mr. Boling was on the negotiating committee for the union at that time.

Mr. KENNEDY. So you got to know him at that time?

Mr. BROWN. Yes, sir.

Mr. KENNEDY. You have known him since that time?

Mr. BROWN. I have.

Mr. KENNEDY. I don't know whether Mr. Brown wants counsel. You had counsel when I talked to you before.

Mr. BROWN. That was my law partner and he was in Washington on other business.

Mr. KENNEDY. You do not need counsel now?

Mr. BROWN. No.

Mr. KENNEDY. You have known him for a number of years. Were you connected with the attorney general's office in 1954?

Mr. BROWN. No, sir.

Mr. KENNEDY. Did you do any work on the case of Mr. Spence Galloway?

Mr. BROWN. I was hired as a special prosecutor by the Hoover Motor Express, Inc.

Mr. KENNEDY. When was that?

Mr. BROWN. The exact date I don't know, but it was in regard to Mr. Galloway's case and Mr. Galloway was charged with the theft of cigars from the Hoover Motor Express, which is an interstate shipment and I was hired by the company to act as a special prosecutor in that case.

We tried the case once, and I might explain at this time in Tennessee a special prosecutor can be hired by interested parties, upon approval of the attorney general's office, which is a common occurrence.

We tried Mr. Galloway the first time and the FBI was the party who secured the stolen merchandise in a garage behind the house being rented by Mr. Galloway and some lodge. They brought the evidence to the State or the city and, of course, the city instituted the legal proceedings and it went through the regular gauntlet, through the grand jury and we came into criminal court and we tried Mr. Galloway the first time and the jury acquitted him on a larceny charge.

The indictment carried a second count of receiving and concealing, and the jury was hung on the receiving and concealing count and the judge ordered a mistrial in the case.

It was subsequently tried again and I don't know the exact time, at which time I again prosecuted Mr. Galloway, in conjunction with my law partner at that time, Mr. Vandergrier. We were also associated with Mr. Woolsey, assistant attorney general at that time, assigned to Judge Schoolfield's court.

We obtained a conviction of Mr. Galloway and the jury set the sentence at 3 years for receiving and concealing merchandise in excess of the value of \$60.

Mr. KENNEDY. Did he serve that time?

Mr. BROWN. No, sir.

Mr. KENNEDY. What happened?

Mr. BROWN. There was a motion, or the court allows so many days for the attorneys to file a motion for a new trial. This motion was filed and we resisted it. I say "we" but I was there at that time and the attorney general's office was represented.

The motion for a new trial was denied. Later on, I was not present when the motion for a new trial was granted and the parole granted on the same date, I believe the record shows, the same date that the motion for the new trial was entered and Mr. Galloway was granted a new trial and the same day he was allowed to plead guilty to virtually the same offense and received, I believe, the same sentence, 3 years in the penitentiary and he was paroled.

Mr. KENNEDY. All on the same day?

Mr. BROWN. I believe the record shows that.

Mr. KENNEDY. Now, have you known Judge Schoolfield, who was the judge in this case?

Mr. BROWN. Yes, sir.

Mr. KENNEDY. Had you known him for a long period of time?

Mr. BROWN. I have known Judge Schoolfield, or I had known of him when I was in the police department and I had known him since he assumed the judgeship in 1948.

Mr. KENNEDY. Had you worked on any of his campaigns?

Mr. BROWN. You say, "worked on his campaign." As a citizen I voted for him and I did ask other people to vote for him.

Mr. KENNEDY. Were you active in any of his campaigns?

Mr. BROWN. On one occasion when he ran for governor, I made, with Mr. John Taylor, who was his court officer at that time and his wife and my wife and myself, I believe it was one Saturday, made a trip to two small towns in upper Tennessee.

Mr. KENNEDY. What year was this?

Mr. BROWN. I really couldn't say. It was the year he ran for governor.

Mr. KENNEDY. In 1954.

Mr. BROWN. I presume that is so.

Mr. KENNEDY. And you helped him in his campaign in 1948 when he was running for judge?

Mr. BROWN. Like I say, the only thing I helped him then on, was just by voting for him and asking other people to.

Mr. KENNEDY. Did he ever appoint you to any position?

Mr. BROWN. He appointed me in 1950 to the position of foreman of the grand jury.

Mr. KENNEDY. In 1950 you also were somewhat active in his campaign, or you participated in his campaign in 1948 and 1950 and he appointed you as foreman of the grand jury in 1950.

Mr. BROWN. I believe it was 1950; yes, sir.

Mr. KENNEDY. In 1954, you also were somewhat active in his campaign?

Mr. BROWN. Well, very little.

Mr. KENNEDY. Just making two speeches?

Mr. BROWN. Making two speeches; yes, sir.

Mr. KENNEDY. Did you raise any money for him in these campaigns?

Mr. BROWN. I never raised any money for Judge Schoolfield in a campaign at all. The company I was connected with gave Judge Schoolfield, I believe, \$200.

Mr. KENNEDY. You never raised any money yourself?

Mr. BROWN. No, sir; I did not, except the \$1,000 that Mr. Jones has testified to here that he contributed to his campaign and I did take the \$1,000 and gave it to Judge Schoolfield.

Mr. KENNEDY. When our investigators first talked to you, they asked you about that \$1,000 and you said that the \$1,000 was offered to you but you refused to accept it, and you told Jones that if he had any money to give to the judge, he would have to give it to him, himself. Isn't that correct?

Mr. BROWN. I might explain that.

Mr. KENNEDY. Just tell me if that is correct and then you can explain it.

Mr. BROWN. I don't think it is fair the way you put it in that manner. I think that I should be entitled to an explanation.

Mr. KENNEDY. All right.

The CHAIRMAN. Answer the question and you may explain it, and the Chair will grant you that opportunity. The question is, did you say to the investigators that you did not accept the money and that you told him if he wanted to give any money to Judge Schoolfield's campaign, to give it to him direct. Is that correct?

MR. BROWN. Now, Mr. Chairman, roughly I would say that that is correct.

THE CHAIRMAN. You said roughly it is correct and now, make your explanation.

MR. BROWN. Thank you. Mr. Duffy came to our office and he was accompanied by Mr. McShane. He talked to me regarding the Spence Galloway case and I explained to him at that time—and I don't remember the date and I was in the courthouse and as I came up the steps from the basement to the first floor, I ran into Mr. Boling.

Mr. Boling asked me if I thought there was any way they could help Spence Galloway and that he had gone to school with Spence Galloway. And I said, "Boling, as far as I am concerned, I can't help Mr. Galloway. I prosecuted him and there are a lot of people in town interested in him."

I might state at this time that in Mr. Galloway's file there was 10 or 15 prominent people in Chattanooga who testified as character witnesses in his behalf, 1 of whom was Mrs. Sherrill, now Mrs. Bradin, who was the circuit court clerk in the county.

I told Mr. Boling that as a matter of parole, that was strictly up to the attorney general's office and that I was not going to take any part in it whatsoever.

While I was standing there talking to Mr. Boling, Mr. Sam Jones came over and Mr. Boling introduced me to Sam Jones. It was the first time I had ever met him. Someone brought up the subject that Judge Schoolfield was going to run for governor. I told him I understood he was and Mr. Jones said, "I have got \$1,000 I want to contribute to his campaign."

At this point, Mr. Duffy said, "Did you take the money to Judge Schoolfield?" And I said, "As best I can remember, I did not." And Mr. Duffy said, "Do you categorically deny that you got the money?" And I said, "I categorically deny that I got the money; yes, sir."

He said, "Well, did you take the money to Judge Schoolfield?" I said, "At this time I would not say," but I said, "at this time I don't know for sure." But he said, "Well, you deny, do you, that you took it to Judge Schoolfield?" And I said, "Yes, sir; at this time I will deny that I took it to Judge Schoolfield."

THE CHAIRMAN. Now, you have since refreshed your memory?

MR. BROWN. Yes, sir.

THE CHAIRMAN. Tell us what actually occurred.

MR. BROWN. All right, sir. When the subpoenas were issued for the first time in November, I ran into Mr. Boling and Mr. Jones and they asked me, had I been subpoenaed and I told them, "Yes," and I said, "There is one thing I would like to refresh my memory on. I remember something being said about Judge Schoolfield's campaign and, Sam, you said you had \$1,000 that you wanted to contribute," and I said, "I don't know whether you took the money, or I was under the impression that you took the money in there."

And Sam Jones and Mr. Boling said, "No, you took the money in and gave it to Judge Schoolfield."

Mr. Duffy contacted me a short time later and asked me to come to the Reed House, which is a hotel in Chattanooga and I went down and met him. As soon as I saw him in the room I told him that I had had a chance to refresh my memory and I wanted to clear up the

statement as to the money, who carried the money, and I told him I carried the money to Judge Schoolfield and Mr. Boling went with me in there.

At that time court was not in session and Judge Schoolfield was standing in the door or there were people in his office or his chambers and he came to the door and I gave him the money and told him at that time that it was a contribution from Mr. Sam Jones.

As to what had transpired between Sam Jones' lawyer that he talks about and the judge, I have no idea. Mr. Galloway's name never was mentioned to me by Sam Jones or in connection with the \$1,000 in any way.

The CHAIRMAN. Do you know what happened that caused this case then to be handled as it was the next day?

Mr. BROWN. No, sir; I don't.

The CHAIRMAN. It is kind of a strange coincidence, you will agree with that as a lawyer; will you not?

Mr. BROWN. Well, yes, sir.

The CHAIRMAN. It is quite strange.

Mr. BROWN. Quite strange, but by the same token it is quite strange. I would assume, that a total stranger would walk up to another total stranger and say, "Here is \$1,000. Will you intercede in someone's behalf?"

The CHAIRMAN. I do not know.

Mr. BROWN. Like I say, I don't know the background or how it was used. The only thing I know was my part in it. Mr. Duffy, as I stated when I told him this on Friday, I believe it was Friday, said, "Would you be willing to sign an affidavit?" and I said, "Yes," and he said, "Will you meet me in the Federal Building in the morning?" and I said, "Yes."

Then Mr. McShane called and told me that Mr. Duffy had to go out of town and they would get in touch with me the first of the next week. I went to the Federal Building and talked to Mr. Duffy again and repeated the same story and Mr. Duffy became quite enraged and told me I would have to make up my mind whose side I was on.

I told him that I was not on anybody's side and that I was there to tell strictly the truth and I didn't care who it hurt and who it helped.

Mr. KENNEDY. We went through this once with you and as he explained to you and said to you, it was a question of being on the side of truth or against the truth and he had talked to you first.

Mr. BROWN. He said nothing about that—will you allow me to answer?

Mr. KENNEDY. You have made a number of statements here that are not in accordance with the facts.

The CHAIRMAN. Let me see now. The witness is under oath.

Mr. BROWN. That is right.

The CHAIRMAN. You, being a lawyer, I do not have to suggest to you the state of facts.

Mr. KENNEDY. Let us get down to what occurred. Did you or did you not tell Mr. Duffy that you refused to take the money and that if Mr. Jones wanted to make this contribution that he would have to make it to the judge himself?

You can say it in 5 or 7 or 10 paragraphs, Mr. Brown, but that is what it comes down to. You told him that you could not accept the money and if he wanted to give the money he would have to take it in to the judge himself. You have said a lot of words here, but that is what it comes down to.

Mr. BROWN. The first time I talked to him I said when he offered the \$1,000 I told him to take it in there and Sam said——

Mr. KENNEDY. You answer the question, Mr. Brown. You did not say that. Didn't you tell Mr. Duffy that you would not take the \$1,000 and that if Mr. Jones wanted to give \$1,000 to the judge, he would have to take it in there himself? You did not have anything to do with it?

Mr. BROWN. I may have at that time, like I told you, Mr. Kennedy.

The CHAIRMAN. Now, you admit at that time that you did state that?

Mr. BROWN. He asked me, sir, did I categorically deny I got the money and I told him I certainly categorically denied I got the money.

Mr. KENNEDY. That would never be a question.

Mr. BROWN. Would you allow me the privilege of answering?

Mr. KENNEDY. Try to answer the question.

Mr. BROWN. I am addressing my remarks to the chairman, if I may. The CHAIRMAN. Proceed.

Mr. BROWN. At that time I told him that it was hazy in my memory and I didn't know. And he said, "Well, do you deny you took it?" and I said, "At this time I will deny that I took it."

The CHAIRMAN. The first time you were contacted you denied that you took the money to Judge Schoolfield, period?

Mr. BROWN. Yes, sir.

The CHAIRMAN. Now, you have made your explanation.

Mr. KENNEDY. Now, you say that you were first discussing this with Mr. Boling, and he brought up the question of Galloway's case?

Mr. BROWN. When I walked up to Mr. Boling he said, was there any way to help Spence Galloway and he had gone to school with Spence Galloway.

Mr. KENNEDY. So that was on the day you met in the courthouse; is that right?

Mr. BROWN. That is right.

Mr. KENNEDY. Subsequently you had a conversation and Mr. Sam Jones came over and gave you \$1,000 for the judge; is that right?

Mr. BROWN. Sam Jones came over and he was down the hall or by the hall and he came over and Mr. Boling introduced him to me and one of them made the statement that they understood Judge Schoolfield was going to announce for governor and he had \$1,000 and he said, "I want to contribute to his campaign."

The CHAIRMAN. Let me see. You had just had a conversation with Boling about Spence Galloway's case?

Mr. BROWN. Yes, sir.

The CHAIRMAN. Spence Galloway's case?

Mr. BROWN. Yes, sir.

The CHAIRMAN. So then Boling brings over Sam Jones to you and he introduces him?

Mr. BROWN. That is right.

The CHAIRMAN. And Sam Jones said, "I have got \$1,000," or somebody said that he had \$1,000 for the judge's campaign.

Mr. BROWN. That is right; yes, sir.

The CHAIRMAN. Now, Boling had been talking to you about Spence Galloway's case, just before that?

Mr. BROWN. Yes, sir.

The CHAIRMAN. And you get the money.

Mr. BROWN. Yes, sir; he gave me \$1,000 for the judge's campaign.

The CHAIRMAN. And you took it to Judge Schoolfield?

Mr. BROWN. I took it and gave it to him right then.

The CHAIRMAN. And the next day Spence Galloway got the release he wanted.

Mr. BROWN. Now, Mr. Chairman, I could not say what date it was. I know I was not notified when the hearing came on.

The CHAIRMAN. It was the next day I think the record shows.

Mr. BROWN. I didn't even know what date it was that I talked to him.

The CHAIRMAN. Let us say either the next day or promptly thereafter he got the relief he wanted.

Mr. BROWN. That is possible, and I couldn't say.

Mr. KENNEDY. Now, had you known Mr. Sam Jones for a long time?

Mr. BROWN. I had never met Sam Jones in my life.

Mr. KENNEDY. But here a man comes and just meets you in the hallway and gives you \$1,000 in cash.

Mr. BROWN. With the explanation it was for the judge's campaign, and I assumed I would do the same thing for the Senator or anyone else. If he had \$1,000 for him, I would take it in there and give it to him.

The CHAIRMAN. I doubt that, and let us not talk about the Senator now. I have never received any money from him.

Mr. BROWN. I meant no disrespect.

The CHAIRMAN. I do not think that you did. We will keep on the issue here. I do not run for office in Tennessee, you know.

Mr. BROWN. No, sir.

Senator CURTIS. What did you say to the judge when you gave him the \$1,000?

Mr. BROWN. I said, "Here is \$1,000 that Sam Jones wants to contribute to your campaign."

Senator CURTIS. What kind of money was it in?

Mr. BROWN. That, sir, I couldn't tell you. It was in cash, but I couldn't tell you the denominations, and I did not count it, and Mr. Jones said there was \$1,000 there, and I told the judge it was \$1,000.

Senator CURTIS. Was it in an envelope?

Mr. BROWN. No, sir.

Senator CURTIS. Then you know whether it was small bills or large bills.

Mr. BROWN. I don't remember, sir.

Senator CURTIS. Now, you would remember if it was a \$1,000 bill, would you not?

Mr. BROWN. It wasn't one bill. It was several bills. I remember that.

Senator CURTIS. Quite a number of bills?

Mr. BROWN. To the best of my memory, yes, sir.

Senator CURTIS. So it was small bills.

Mr. BROWN. I couldn't say, sir, whether it was all small or how it was. Like I stated there were several bills, and I didn't count it.

Senator CURTIS. What did you say to the judge?

Mr. BROWN. I said, "Here is \$1,000 that Sam Jones wants to contribute to your campaign."

Senator CURTIS. How long were you in there?

Mr. BROWN. I would say approximately 3 or 4 minutes.

Senator CURTIS. Who was with you?

Mr. BROWN. Mr. Boling.

Senator CURTIS. Mr. Boling was there at the same time?

Mr. BROWN. Yes, sir.

Senator CURTIS. This was the man who that same day had asked what could be done about the Galloway case?

Mr. BROWN. Yes, sir; he had asked me, could I help Spence Galloway.

Senator CURTIS. And he went in with you?

Mr. BROWN. Yes, sir.

Senator CURTIS. And Jones did not go in?

Mr. BROWN. No, sir.

Senator CURTIS. Well, now, what else was said during the 3 or 4 minutes?

Mr. BROWN. We were in there, and that was, after I refreshed my memory, the thing that I remembered was Mr. Boling said, "Judge, here is \$100 that I want to contribute to your campaign," and he gave it to him.

Senator CURTIS. In addition to the \$1,000?

Mr. BROWN. Yes, sir.

Senator CURTIS. Did you report to Jones what you did with his money?

Mr. BROWN. No, sir.

Senator CURTIS. Did you bring him a receipt?

Mr. BROWN. No, sir.

Senator CURTIS. Well now, did you report anything about this to your employer, the individual who hired you as a special prosecutor?

Mr. BROWN. As best I can remember, I was hired by the local agency of the Hoover Motor Express, Mr. Bill Ship. As best I remember, it seems that Mr. Ship is the one that told me that he was paroled, as best I can recall. I was out of town at the time, Senator.

Senator CURTIS. I want to get a few dates straight here. Is it true that the date is June 23, 1954, when the judge entered a non pro tunc order granting a new trial?

Mr. BROWN. Whatever figures you have before you, Senator, I assume are correct. I couldn't say.

Senator CURTIS. And he assigned the case for September 29 following?

Mr. BROWN. I am afraid I don't understand, sir.

Senator CURTIS. Well, this synopsis here says that on June 23 the new trial was granted, a non pro tunc order. That means effective as of the previous June 5. The case was assigned for September 29.

Mr. BROWN. I am sorry, sir, I don't have those figures available and I don't know whether that is true or not.

Senator CURTIS. Then, on September 29 the case was continued to October 13, is that correct?

Mr. BROWN. I don't know, sir.

Senator CURTIS. And on October 13 is when he made his plea of guilty and sentence was pronounced and I assume the sentence was suspended when he was paroled. Which day was it that you were not present? Was it on June 23 when the new trial was granted?

Mr. BROWN. I was not present when the new trial was granted and I was under the impression from the record, when Mr. Duffy had it there, that the petition for parole was assigned the same day.

Senator CURTIS. Were you present on September 29 when the case was continued to October 13?

Mr. BROWN. I don't believe so.

Senator CURTIS. Were you present on October 13 when the plea of guilty was entered?

Mr. BROWN. No, sir.

Senator CURTIS. At what point did you terminate your employment as special prosecutor and when did you advise your clients?

Mr. BROWN. When we obtained a conviction in the second case and my client was present or their agency was at the time the conviction was gotten. I believe as best I can remember that I was present when the motion for a new trial was heard and denied the first time. And the best I can remember, that is the last time I was present.

Senator CURTIS. I did not ask you that. When did you terminate your employment?

Mr. BROWN. I terminated my employment upon conviction of Mr. Galloway.

Senator CURTIS. You were not a special prosecutor until the case was finally disposed of?

Mr. BROWN. No, sir. Those matters are usually handled in Tennessee, Senator, by the attorney general's office. It is a matter between the attorney general's office and the court.

Senator CURTIS. What matters?

Mr. BROWN. Paroles and new trials, and the general matters.

Senator CURTIS. But when a new trial is granted, would your employment not continue on?

Mr. BROWN. No, sir; I believe at that time, if it was that long, I am almost sure I had received my fee and as I stated those are matters to be handled by the attorney general's office and usually a special prosecutor is terminated.

Senator CURTIS. How long did you talk to Mr. Boling concerning the Galloway case?

Mr. BROWN. Just those words were said, Senator, that I have told you here.

Senator CURTIS. How long did you talk to him?

Mr. BROWN. I would say approximately 1 minute or 2 minutes. That is about as long as it would take, was there any way to help Spence Galloway, that he had gone to school with him.

Senator CURTIS. And you did not know Jones before?

Mr. BROWN. No, sir.

Senator CURTIS. Had you ever seen him before?

Mr. BROWN. Yes, sir.

Senator CURTIS. You knew who he was?

Mr. BROWN. Well, I only knew he was a bondsman, that is all. When I was with the city in the police department, I saw a lot of bondsmen and I didn't know actually, that that was his name and I had seen him around the city jail.

Senator CURTIS. But you knew he was a professional bondsman?

Mr. BROWN. Yes, sir.

Senator CURTIS. Which means that he makes his livelihood out of proceedings around the court?

Mr. BROWN. Yes, sir.

Senator CURTIS. And you knew that if he was going to make a contribution to the judge out of his own money he would take it in himself, did you not?

Mr. BROWN. I did not know that, no, sir.

Senator CURTIS. I think it is quite evident that he would.

Mr. BROWN. That is a conclusion, sir, and I couldn't say.

Senator CURTIS. But you were in the judge's chambers 3 or 4 minutes?

Mr. BROWN. I would say approximately that long; yes, sir.

Senator CURTIS. And Boling was with you?

Mr. BROWN. Yes.

Senator CURTIS. Did anyone say anything or mention Galloway's name in there?

Mr. BROWN. No, sir.

Senator CURTIS. Did you ever hear the Galloway case discussed by either Mr. Boling or the judge at any time thereafter?

Mr. BROWN. No, sir.

Senator CURTIS. Never, on any occasion?

Mr. BROWN. No, sir.

Senator CURTIS. And it is still your recollection that a new trial was granted and the plea received and the case disposed of in 1 day?

Mr. BROWN. That was my recollection, Senator. As best I remember Mr. Duffy got those records out of the court clerk's office and we went over them and I was under the impression that all of that happened the same day. I could be entirely wrong about that.

Senator CURTIS. Did you and Boling leave the judge's office at the same time?

Mr. BROWN. As best I remember it, I would not say about that. I really don't know how we walked out or whether he went in at the same time I did or whether he stayed.

Senator CURTIS. You do not know whether Boling was with you when you came out?

Mr. BROWN. No, sir; I would not definitely say either way and I wouldn't say he was or he wasn't.

Senator CURTIS. Where was Jones when you came out?

Mr. BROWN. Jones was gone. That is, I didn't see him in the corridor.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. I would like to ask a few questions.

The CHAIRMAN. Proceed.

Mr. KENNEDY. As I understand it, you had been for a number of years a close associate of Judge Schoolfield?

Mr. BROWN. I was a good friend, yes, sir, of Judge Schoolfield.

Mr. KENNEDY. And you had this statement made by Mr. Boling outside the courthouse, or in the courthouse, or in the courthouse during that day, could anything be done for Galloway.

Mr. BROWN. Mr. Boling asked me that.

Mr. KENNEDY. And Mr. Jones testified that you then came up to him after this conversation that you had with Mr. Boling and you then came up to him and said, "I understand you have \$1,000 to give to the governor's campaign."

Mr. BROWN. No, sir.

Mr. KENNEDY. You did not say that?

Mr. BROWN. I don't recollect anything like that. Just as I have told you, Mr. Jones came over.

Mr. KENNEDY. There is no reason for him to say that at all and it would be much easier for him to say something contrary or say the same thing that you did, that he had \$1,000 to give, but he said you came over to him after this conversation, that you came over to him and said, "I understand you have \$1,000 to give to the judge's campaign."

Mr. BROWN. No, sir.

Mr. KENNEDY. Mr. Jones is wrong on that?

Mr. BROWN. He is mistaken; yes, sir.

(Members present at this point were Senators McClellan and Curtis.)

Mr. KENNEDY. But you did get the \$1,000?

Mr. BROWN. I did.

Mr. KENNEDY. You got \$1,000 in cash?

Mr. BROWN. That is right.

Mr. KENNEDY. You had never gotten \$1,000 in cash from anybody else?

Mr. BROWN. No, sir.

Mr. KENNEDY. You never saw Mr. Jones before?

Mr. BROWN. I wouldn't say I had never seen him.

Mr. KENNEDY. All right; you did not know Mr. Jones?

Mr. BROWN. No, sir.

Mr. KENNEDY. Do you have any explanation why Mr. Jones would not bring that money in and give it to the judge himself?

Mr. BROWN. I think Mr. Jones would be the proper person to answer that.

Mr. KENNEDY. I am asking you. Do you have any explanation?

Mr. BROWN. No, Mr. Kennedy. I am not a mindreader.

Mr. KENNEDY. You took the \$1,000 and gave it to the judge?

Mr. BROWN. That is right.

Mr. KENNEDY. That is, despite the fact that when we asked you first, you said you had not done so. You now say you had done so.

Mr. BROWN. I cleared that matter up with Mr. Duffy the next time I saw him.

Mr. KENNEDY. The \$1,000 was originally paid by Mr. Galloway to fix the case?

Mr. BROWN. I couldn't tell you that.

Mr. KENNEDY. The \$1,000 was paid to an intermediary to fix the case. That \$1,000, according to Mr. Jones' own testimony, was given to you in order to fix the case.

Mr. BROWN. Mr. Jones' testimony was not to that effect, as I remember it—that he gave it to me to fix the case.

Mr. KENNEDY. For the money to be passed on to the judge in order to fix this case.

Mr. BROWN. He said that he gave me the money to pass it on to the judge, but he also stated, I believe under oath, and told, if you will remember, Mr. Kennedy, that he had had a conversation with some lawyer about fixing a case.

He certainly had no conversation with me about fixing a case.

Mr. KENNEDY. I am telling you what the record shows. The \$1,000 was given to you, that you say you then passed it on to the judge, and the following day the result that the \$1,000 was paid for was accomplished.

Mr. BROWN. I did not say that the following day.

Mr. KENNEDY. I say that the record shows that.

Mr. BROWN. I am sorry, sir. I thought you were asking me questions. I did not know you were summarizing the case.

Mr. KENNEDY. I am summarizing what the facts are in the case and fitting in your testimony as you have testified here under oath. I would like to say it just does not make any sense, Mr. Brown—absolutely no sense.

Your part in this situation makes absolutely no sense at all. You went into the office with Mr. Boling; there was no discussion at all. You got the \$1,000 from someone you had never known, had never met, \$1,000 in cash. You had never done anything like this before; you had never raised that much money in the campaigns before and you were a special prosecutor in the Galloway case.

Mr. BROWN. Mr. Chairman, may I have the opportunity, sir, of speaking just a word at this time?

The CHAIRMAN. Yes; you may speak a word. You have some awfully peculiar circumstances here and as a lawyer you agree.

Mr. BROWN. Yes, sir; I certainly do that, sir. But I don't agree with all the insinuations that Mr. Kennedy has—

The CHAIRMAN. That is right. You are denying that you knew anything about it.

Mr. BROWN. That is right; yes, sir.

The CHAIRMAN. And all of these other circumstances point to the fact that you did know about it.

Mr. BROWN. I do not think they point to the fact that I knew about it. Somebody must have known about it, I will say that; but, certainly for my part, I was an innocent carrier to say the least, and if anything was arranged such as that, it was unknown to me.

As I have stated, I have nothing to hide in this thing. I will be glad to tell anything I know.

The CHAIRMAN. We have a very serious conflict between you and Sam Jones.

Mr. BROWN. Well, sir, on the point that Mr. Kennedy has brought out; yes, sir, there is a conflict. That is just like four people seeing an accident and 4 years later trying to describe it.

The CHAIRMAN. But you had never been introduced formally to Mr. Jones before that and yet he comes up here and has known the judge for years and years and has \$1,000 to give to the judge's campaign.

It all happened right there in the courthouse. The judge was in his office up there; was he not?

Mr. BROWN. Right straight in, at the end of the corridor. That part is strange, but it strikes me that it would also be strange that a total stranger would walk up to another fellow and say, "Here is \$1,000. Will you intercede in a case for me?"

The CHAIRMAN. It did not happen that way. You had been talking to Boling about the case.

Mr. BROWN. But I never talked to Sam Jones about it.

The CHAIRMAN. When Boling went over there, according to Sam Jones, as I remember his testimony, you went over there to Sam Jones then, and you said to Sam Jones, "I understand you have \$1,000 you want to give to the governor's campaign," and Jones says he turned around and looked at Boling and Boling said, "Give him the money," and he says he would not have given it for a campaign purpose unless he thought he was going to get the case fixed because that is what he had the money for.

Mr. BROWN. I guess he might have thought he was going to get a case fixed.

The CHAIRMAN. As one lawyer to another, you know people have been convicted and sent to the penitentiary on less strong evidence; do you not?

Mr. BROWN. I imagine they have; yes, sir.

The CHAIRMAN. Is that all?

Mr. KENNEDY. That is all.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Duffy made an examination of the files of the State House and I would like to ask whether the judge declared this \$1,000 as a campaign contribution.

Mr. DUFFY. The answer is that Judge Schoolfield did not file an expense sheet showing contributions or expenses for his campaign for governor in the State of Tennessee in the Democratic primary in 1954.

Mr. KENNEDY. Is that required under law?

Mr. DUFFY. That is required under law. The law is set forth in section 2-2101, volume II, the Tennessee Code, under "Expenses in Elections." It provides:

All candidates for election to State offices shall file returns to the secretary of state's office.

It is a misdemeanor offense, with 30 days to 1 year and/or \$100 to \$500 fine. Mr. Schoolfield, when I talked to him, admitted that he did not file this return with the State office in Nashville relating to the 1954 campaign.

The CHAIRMAN. He accounted for no money?

Mr. DUFFY. That is correct.

The CHAIRMAN. Therefore, this \$1,000 was not accounted for in that fashion?

Mr. DUFFY. That is correct.

Mr. KENNEDY. The next witness is Mr. H. L. Boling, Mr. Chairman.

The CHAIRMAN. Come forward, Mr. Boling.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOLING. I do.

**TESTIMONY OF H. L. BOLING, ACCOMPANIED BY HIS COUNSEL,
L. N. D. WELLS, JR.**

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. BOLING. My name is H. L. Boling, secretary-treasurer of local 515. My address is North Chattanooga—Route 5, Pineyville Road.

The CHAIRMAN. You have counsel present with you.

Counsel, identify yourself for the record.

Mr. WELLS. L. N. D. Wells, Jr., 1610 National Bankers Life Building, Dallas, Tex.

The CHAIRMAN. Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Boling, you are a secretary-treasurer of local 515 of the teamsters local in Chattanooga, Tenn.?

Mr. BOLING. I claim my constitutional rights not to be forced to be a witness against myself.

Mr. KENNEDY. You have been in that local for how long?

Mr. BOLING. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Do you realize that if all members of the union, particularly all high officials of the union, took the same position you folks are taking here, you would disgrace the union movement throughout the country? Have you no sense of responsibility to unionism whatsoever?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. Mr. Chairman, the chief matter that we wish to discuss with Mr. Boling is the fact that he was indicted in April of 1951 in Chattanooga, Tenn., for arson, for dynamiting, for beatings, for throwing rocks through windows; that subsequently, on July 8, 1951, he bragged to one of the investigators on the case that the case had been fixed by a payment of \$18,500.

Did you have that conversation, Mr. Boling?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Mr. Chairman, the records show that the \$18,500 was taken out of local 515 of the teamsters in Chattanooga. I would like to ask Mr. Boling what was done with that money.

Mr. BOLING. I claim my constitutional rights not to be forced to be a witness against myself.

The CHAIRMAN. Would you be a witness against yourself if you testified to the truth?

Mr. BOLING. May I speak to my attorney, please?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Ask your questions. I think it is just as well to have two of these cases. I will order him to answer the questions. Proceed.

Mr. KENNEDY. The record shows that he also told the Internal Revenue Department that the \$18,500 was withdrawn for the purpose of fixing this case.

Is that correct, Mr. Boling?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And that he wanted at that time to have the indictments quashed.

Is that right, Mr. Boling?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Let me ask you, Mr. Boling: Do you know where that union money went, the \$18,500?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you honestly believe and do you state under oath that you honestly believe that if you answered that question, that a truthful answer thereto might tend to incriminate you?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. With the permission of the committee, the Chair orders and directs you to answer the last question I asked you.

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you honestly believe that if you told the truth about who received that money, what it was actually used for, that a truthful answer to that question might tend to incriminate you?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. With the permission of the committee, the Chair orders and directs you to answer that question.

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you feel any sense of obligation and responsibility to the union members who paid that money into the union treasury?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you honestly believe that if you answered that question truthfully, that a truthful answer thereto might tend to incriminate you?

Mr. BOLING. May I speak to my attorney?

(The witness conferred with his counsel.)

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. The Chair, with permission of the committee, orders and directs you to answer the question.

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. The Chair just wishes to observe again, as I did I believe on yesterday, that this taking of the fifth amendment capriciously, without being willing to state under oath that the witness honestly believes that if he gave a truthful answer, the truth might tend to incriminate him, is something that if it is condoned, if the practice is continued and condoned, and the courts sustain the position of the witness that they do not have to state at least that they are honest and sincere in believing that a truthful answer might tend to incriminate them, is something that is vital to the preservation of law and order in this country. If that is what the fifth amendment to the Constitution means today under the highest court of the land's interpretation, then the people of this country who believe in law and order have got to give some consideration, and I mean serious consideration, to the question of modifying the fifth amendment to the Constitution. Otherwise, this country could become a jungle so far as civilization is concerned, racketeers, gangsters, thieves, thugs, crooks taking over this country. You couldn't do anything about it through law and order. We would all have to resort to the bullet and to the dynamite and to the knives that cut tires. We would all be forced to take that measure of defense for our own lives and for the protection of our property and our loved ones.

I would like for you to think about it and see if you want to be in that kind of a group.

Go ahead.

I just want the record to show what the Chair thinks of it, at least.

Senator CURTIS. Mr. Boling, how old are you?

Mr. BOLING. May I consult my attorney, please?

Senator CURTIS. Yes.

(The witness conferred with his counsel.)

Mr. BOLING. Forty-six.

Senator CURTIS. Where were you born?

Mr. BOLING. May I consult my attorney?

Senator CURTIS. All right.

The CHAIRMAN. Was he there when you were born?

Yes, go ahead.

(The witness conferred with his counsel.)

Mr. BOLING. Hamilton County, sir.

Senator CURTIS. What State?

Mr. BOLING. May I consult my attorney?

The CHAIRMAN. Yes, consult your attorney. Find out what State.

(The witness conferred with his counsel.)

Mr. BOLING. The State of Tennessee, sir.

Senator CURTIS. What schools did you attend?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Do you honestly believe that if you answered that question truthfully and stated under oath what schools you attended, that a truthful answer thereto might tend to incriminate you?

Mr. BOLING. May I consult my attorney, please?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

Mr. BOLING. I went to school at Red Bank, Tenn.

Senator CURTIS. Was Mr. James Spence Galloway in school there when you were?

Mr. BOLING. May I consult my attorney, please?

Senator CURTIS. All right.

(The witness conferred with his counsel.)

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Proceed.

Mr. KENNEDY. You wouldn't tell where the \$18,500 went, Mr. Boling?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. According to the conversations you had with two separate individuals, the \$18,500 was being paid in order to quash the indictments?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Judge Schoolfield quashed these indictments; isn't that correct?

Mr. BOLING. May I consult my attorney, please?

(The witness conferred with his counsel.)

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Do you wish to leave the implication that Judge Schoolfield received part or any of this \$18,500?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Then there was another \$1,500, a check to cash, on March 17, 1952. Can you tell us what happened to that \$1,500?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Was any or all of this money used in connection with the case in which you were then under indictment?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Then in 1954 we had this situation where \$1,000 was paid by J. Spence Galloway to Mr. Sam Jones for the purpose of fixing the case. Do you know anything about J. Spence Galloway's case?

Mr. BOLING. May I speak to my attorney, please?

(The witness conferred with his counsel.)

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. According to Mr. Galloway, he gave the \$1,000 to Sam Jones, and Sam Jones, after a conversation with you, gave the money to a Mr. Harold Brown. Is that correct?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Did you have a conversation with Mr. Brown regarding \$1,000?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And that you knew that the \$1,000 was for the purpose, according to Mr. Jones' testimony, you knew that the \$1,000 was for the purpose of fixing this case, that you gave the approval of giving the \$1,000 by Mr. Jones, you gave your approval of Mr. Jones giving this money to Mr. Brown. Is that right?

Mr. BOLING. I claim my constitutional right not to be a witness against myself.

Mr. KENNEDY. And Mr. Brown then went into Mr. Schoolfield's office with the \$1,000 in cash?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. The \$1,000 was then turned over to Mr. Schoolfield; is that correct?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. And the following day the judge reversed his former decision and granted a new trial; isn't that correct?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

Mr. KENNEDY. Would you tell the committee what conversations you had with Judge Schoolfield regarding that?

Mr. BOLING. I claim my constitutional right not to be forced to be a witness against myself.

The CHAIRMAN. Are there any other questions, Senator Curtis?

Senator CURTIS. No, Mr. Chairman.

Mr. KENNEDY. That is all of this witness.

The CHAIRMAN. I think it is useless to pursue the interrogation further. I would like, if there is any way to do it, to clear this matter up for once and for all. We have tried to get those of you who know, we have given you the opportunity to come here and tell how you used these working men's money. You take the fifth amendment. At least you will agree, will you not, that we have been fair to you and have given you an opportunity to explain it. You would agree with that statement, wouldn't you?

Mr. BOLING. Can I consult my attorney, please?

The CHAIRMAN. Yes. Ask him.

(The witness conferred with his counsel.)

Mr. BOLING. I have appeared and you have followed the rules, sir.

The CHAIRMAN. Thank you very much.

All right, stand aside for the present.

As the Chair stated yesterday, we had sent Judge Schoolfield a telegram, inviting him to be present. Counsel, have you heard from Judge Schoolfield since yesterday?

Mr. KENNEDY. I talked to him the night before last, Mr. Chairman, the last time I talked to him, and he indicated at that time that he was not going to attend the hearing. I explained once again that we had this derogatory information that we were going to develop, and he said that he did not intend to come.

The CHAIRMAN. Someone asked me the question about subpoena powers. I could probably look into this. But bear this in mind:

Judge Schoolfield is not identified either with labor or management. This committee is very interested in how labor union money is expended, and especially are we interested when it is expended for the purpose of keeping people indicted for crime out of the penitentiary.

I have a prepared statement I shall read for the record. I may make some other comment.

At the outset of these hearings, I announced that we were going to look into certain aspects of organized goon violence in the State of Tennessee, and in other States in that vicinity. Although fully prepared for some of the more serious aspects of the case, I do not think even the committee was prepared for the shocking pattern of viciousness, lawlessness, and disregard for the laws of the land to which the many witnesses have testified here.

The hearings just completed, in my opinion, reveal a pattern of wanton disregard of the law to a degree never before revealed to this committee.

I would like to break our findings down into a number of categories:

(1) Acts of violence, such as dynamitings, shootings, brutal beatings, and sabotage were practiced with such impunity that there is certainly justification for the conclusion that certain teamster officials in Tennessee felt they were above the law and feared no vigilant efforts on the part of law enforcement officials to apprehend and prosecute them for the crimes they committed.

(2) The teamsters union in Tennessee repeatedly refused to submit to the orderly processes of the National Labor Relations Board and allow elections to be held to determine union representation. In case after case, testimony before the committee showed the teamsters attempting to force contracts down the throats of employers regardless of whether or not the employees involved had manifested a willingness to join the union.

(3) Certain top officials of the teamsters union, particularly James R. Hoffa and Dusty Miller, were fully aware of their responsibilities in the area, and were fully aware, or should have been, of the character of the violence going on in Tennessee. They not only took no action against the perpetrators of this violence, but, in the case of the brutal assault on Frank J. Allen, an employee of the Terminal Transport Co. in Nashville, Tenn., they actually intervened with Allen's employer to get charges quashed against W. A. Smith, who has now been exposed by the evidence before this committee as the most vicious type of criminal thug or goon.

(4) Testimony before this committee gives support to the serious charge that certain law-enforcement officials of the State of Tennessee, particularly in the Nashville area, were lax in their investigation and prosecution of crimes involving labor violence. In addition, a representative of the Knoxville Police Department, who came to Washington at his own request to testify, had to admit that lack of followup in the investigation of the dynamiting of the Powers Grocery Store in Knoxville, Tenn., was "very peculiar."

We had another witness here this afternoon who conceded that some of these things were rather peculiar.

(5) The callous attitude of the teamsters' union toward gangsters, racketeers, and hoodlums has been graphically illustrated during the

current hearings. Take, for example, the case of the two Smiths who appeared before this committee—W. A. Smith and Glenn W. Smith.

W. A. Smith has an incredible record of 17 arrests and 12 convictions. Despite this fact, he is made the business agent of a teamster local in Tennessee, a position of far more importance than the title indicates. Testimony before this committee has directly linked him to 4 dynamitings, 3 shootings, and a number of beatings, yet this type of man with this kind of record is permitted to remain on his job as a union official.

Glenn W. Smith has served two penitentiary sentences for robbery and burglary, yet he was made the business agent of a teamster local in Paducah, Ky. While there, he was convicted of assault and battery and indicted twice for malicious destruction of personal property, cases which have not yet been resolved. This apparently qualifies Smith for advancement. He goes to Chattanooga, Tenn., where he becomes secretary-treasurer of a larger teamster local. There he is indicted on a conspiracy charge, including the slashing of truck tires, dynamitings, assault, and arson. With these admirable qualifications the international sends him back to Paducah, Ky., and places him in charge of his old local which has by then been put in trusteeship.

Smith is unwillingly extradited back to Tennessee, where the conspiracy charge against him is dismissed by Judge Raulston Schoolfield shortly after a fellow-defendant, Chattanooga teamster official, H. L. Boling, has boasted that the case has been fixed by a payoff of \$18,500. This matter neatly disposed of, Smith is sent to Florida as an international organizer where, according to testimony before this committee, he is involved in a dynamiting and arson case. This seems to qualify him for even higher trust and he returns to Chattanooga as president of local 515. In the period he holds this office he is linked by testimony before this committee to dynamitings in Knoxville, Tenn., and dynamitings and arson in Jackson, Miss., and other areas in the South.

These expressions of character by Smith qualified him for the top job in the teamsters union in the State of Tennessee, the presidency of joint council No. 87, the position he holds today.

This is one of the most shocking situations with respect to the administration of union affairs which has ever been brought to the attention of this committee—that a man with such a record and such a continuing association with acts of violence can be repeatedly promoted within the hierarchy of the teamsters union—is a striking example of the callous disregard of the responsible officials of the International Brotherhood of Teamsters for the members of the union.

Certainly, no more concrete proof is needed that the hierarchy of the teamsters union is gangster- and hoodlum-ridden and dominated, and has developed a complete insensibility to the presence of racketeers and hoodlums in its ranks.

I want to express my hope that the Justice Department will deal swiftly and effectively with the perjury that has been committed during this hearing. The testimony of the three persons who identified Mr. Ralph Vaughn as having been their assailant is diametrically opposed and contradictory to the testimony of Mr. Vaughn that he participated in no such assaults.

The record of the transcript involving this issue between the witnesses I have just named will be referred to the Justice Department promptly.

There has been testimony before this committee, which, unexplained, reflects on the official acts of a Tennessee jurist, Judge Raulston Schoolfield of Chattanooga. Judge Schoolfield was advised before the start of our hearings that certain information of a derogatory nature would be offered before this committee.

He was invited to be here to testify. He has not availed himself of this opportunity and has not advised the committee that he desires to appear later. On the basis of Judge Schoolfield's having declined to come to Washington and testify, we must reluctantly let the record with its obvious implication speak for itself.

I may say before I proceed that there is other testimony before this committee, other facts and information before this committee in connection with the official acts of Judge Schoolfield that the committee has not heard in open session because the Chair, from the information the Chair has about it, feels it is not related—as I pointed out earlier—to labor-management relations.

But the facts, the documents and information we have will be retained for such future use as the committee may desire be made with it.

The committee takes this opportunity to commend the many good citizens of Tennessee and there were many who were involved, who cooperated in this investigation. In no previous investigation by this committee have we had the high type of citizen cooperation that we have had in this particular inquiry into matters in Tennessee.

I would say that whatever reflections may grow from this testimony, I would not think they should overflow to the good citizenship of Tennessee because I am confident that from here on, they are going to be a little more alert, and I am hopeful that some law enforcement officers down there will be a little more vigilant than the evidence indicates they have been in the past.

The public spiritedness of these many fine people who have come here and testified—despite loss of time and possibilities of retaliations—has been of great assistance to this committee.

It is not easy to conduct these investigations. You can observe from testimony from time to time as it is revealed here in open hearings how hard the staff has to work to get the information and get people to testify to the truth as they know it to be.

When witnesses come here, I can understand their reluctance sometimes. I can appreciate if you and I had to suffer some of the beatings that some of these people have, we probably, too, would think twice. But the fact that they do come, that we get a few of them to come, and when we get the information that is unfolding a picture, it is not pretty to contemplate.

As these hearings come to a close, I would like to express my appreciation and I am sure the appreciation of every member of the committee for the cooperation extended to us by the staff of the Internal Revenue Service in Nashville and Chattanooga, Tenn., and also to Mr. Burnett of the General Accounting Office in Atlanta, Ga., for his help.

The success of this case would not have been possible without the diligent efforts of the members of our staff. Some of them are Mr. LaVern J. Duffy, Mr. James McShane, and Mr. Ralph W. Mills and, of course, the counsel of the committee and his assistants who worked to arrange these facts so they could be presented in a way that the picture is plain and understandable when testimony is taken.

So I am grateful to all of the staff and to all of those who have cooperated. I know I express the sentiments of every member of the committee. This committee has a tough job. It has a tremendous assignment. I hope we are making progress.

I hope that as a result of these hearings the great objective of this, getting facts upon which the Congress can legislate to remedy these conditions, I hope we are making substantial progress, too, in that direction.

Senator Curtis, have you any comment?

Senator CURTIS. Not at this time, Mr. Chairman.

The CHAIRMAN. The Chair has received from Congressman J. Carlton Loser an affidavit which requests it be inserted in the record.

What was his position down there at the time?

Mr. KENNEDY. District attorney.

The CHAIRMAN. He was district attorney at the time these indictments—

Mr. KENNEDY. That was in the Nashville area in connection with some of the violence that we went into.

The CHAIRMAN. Some of the violence in the Nashville area. I have not read the affidavit. Counsel, have you read it?

Mr. KENNEDY. I have looked it over.

The CHAIRMAN. Is there anything in there that does not pertain to the testimony developed here?

Mr. KENNEDY. I think there are problems in some of the statements, but there would be no objection to putting it in, Mr. Chairman.

The CHAIRMAN. I will make this announcement. The Chair, after members of the committee and I have had the opportunity to read it—I have not had the opportunity to read it—if we find that it conforms to the rules of the committee, will insert it in the record at this point. (The affidavit is as follows:)

NASHVILLE, TENN., December 16, 1957.

In re Teamsters Union Operations in Tennessee.

Hon. JOHN L. McCLELLAN,

Chairman, Senate Rackets Committee, Washington, D. C.

MY DEAR SENATOR McCLELLAN: I have read with considerable interest in Nashville, Tenn., and Washington newspapers reports of the hearings held by your committee in the above-captioned matter.

Since I was the district attorney at Nashville, Tenn. (Davidson County) during the period of time covered in the hearings, and since there was some adverse reaction in the community as a result of the disclosures, I felt that you and your committee would be agreeable to my filing a statement in this manner for placing in the record at the point where you concluded the other day.

My sole purpose in making this request is to clear up several erroneous statements which now appear in the record related to me in the performance of my duty as such district attorney general. Let me assure you and the other distinguished Members of the United States Senate sitting on this special committee that I heartily applaud the work done by you gentlemen.

Tennessee is a common-law State, and the common law of England obtaining at the time of the adopting of our constitution (1796) is the law of crimes in

Tennessee, except as the same may have been altered, varied, modified, or changed by statute.

No person can be successfully prosecuted under our law except after presentment or indictment before a grand jury. All persons are presumed to be innocent until proven guilty beyond a reasonable doubt, and that presumption stands as a witness for the accused until overturned by competent and credible evidence. Further, the accused cannot be required to testify in his own defense, nor can he be compelled to give evidence against himself. No prosecuting official in Tennessee can refer, directly or indirectly, in the argument of a criminal case, to the failure of the accused to testify in his own behalf.

Criminal prosecutions in this State may be started by State's warrant (affidavit), setting forth the facts under oath, alleging the time and place of the commission of the crime. Such a criminal charge is preferred before a committing magistrate or inferior court. In this county (Davidson) the committing magistrate and judicial officer issuing such a warrant is a judge of the court of general sessions and such judges sit 24 hours each day and 7 days a week at the courthouse at the county seat (Nashville).

The only way that a district attorney, under the law in Tennessee, could have official information about a criminal charge in his district would be after a judge of a court of general sessions had arraigned the accused after arrest on a State's warrant, had found probable cause to believe the accused guilty and had held him to await the action of the grand jury. In this situation this information would be made known to the district attorney by the warrant hereinafter referred to being forwarded him for presentation to the grand jury. All State's warrants are executed by the high sheriff of the county or other lawful officer and the sheriff in this county has several hundred deputies, he being the chief law-enforcement officer of the county under the constitution and the statutes.

There is another method by which a criminal prosecution may be instituted in this county, to wit, through the city court. Under the charter of the city of Nashville there is created the position of city judge who hears and determines cases that are violations of the city's laws and ordinances. These cases are in nowise State violations. However, the city judge, by law, is likewise a committing magistrate in State offenses, and when the violation of the municipal ordinance is likewise a violation of State law, he may, at his discretion, bind the accused over to await the action of the grand jury. In this situation the district attorney receives official notice of the offense only in cases in which the committing magistrate (city judge) binds the accused over to await the action of the grand jury.

So it will appear that the district attorney has official notice of such crimes as may have been committed in the community as come to him from the court of general sessions or the judge of the city court. This is not to indicate that the district attorney is limited in action to these cases as aforesaid.

During my tenure of office, more than 27 years, I presented to grand juries and tried thousands of cases that I investigated on my own knowledge and information that did not come either through the city court or the court of general sessions. I only refer to this situation to advise that officially district attorneys are primarily prosecuting officers and not a police agency. In the city of Nashville we have some 300 police officers who are primarily State officers and charged with the enforcement of State as well as city laws.

District attorneys in the rural sections of the State prosecute in dozens of counties and have no investigative officers whatsoever and must rely wholly and alone upon deputy sheriffs and constables for law enforcement.

In my district I had two investigators whose duty it was to investigate homicides, suicides, drownings, and major felonies 24 hours in every day.

I only refer to these matters in order to show you that it is wholly impossible for a district attorney, in a populous area (400,000 population) to know every time somebody is assaulted or "his toes are stepped on" unless the injured person feels sufficiently outraged to avail himself of the provisions of the law made for that purpose.

May I not refer specifically to several incidents referred to in the testimony that were used by the newspapers that indicated that I may have been derelict in my duty:

1. W. A. Smith, business agent of the teamsters union at Nashville, was arrested by a police officer by the name of Bridges, charged with the possession of explosives. Bridges stated before the committee that he turned

the dynamite over to me and nothing was done about it, and I believe there was some reference to this testimony as being "incredible."

At the time of Smith's arrest there was no statute in Tennessee making the bare possession of dynamite a criminal offense. We sometimes carelessly say that certain conduct is a crime, yet unless it is a crime under common law or made so by statute, howsoever incredible or revolting it may be, it cannot form the basis of a criminal prosecution as you gentlemen well know.

At the time this occurred there was a statute on our books making it unlawful to "possess dynamite for burglarious purposes." This statute did not define burglary, and therefore we were driven to the definition of burglary under the common law, to wit, "this breaking and entering the dwelling house of another in the night time, with the intent to commit a felony therein." We presumed then, and we know now, that Smith possessed the dynamite for the purpose of intimidating business people with whom he was trying to negotiate contracts for his union, by dynamiting their establishments, but of course we could not prove it then, and can't prove it now, by clear and competent proof in a court of record. Therefore, no prosecution was instituted against Smith for the possession of dynamite. Since that time and as a result of the Smith incident, the Legislature of Tennessee has enacted the law making it a felony to possess dynamite for any purpose without a permit from the State fire marshal.

2. A man by the name of Rasmussen, division manager for the Beatrice Food Co., testified before the committee that he was assaulted by W. A. Smith and two others and that the case was turned over to me as the district attorney and that I did nothing about it. He further testified that trucks of this company were damaged by sirup being placed in the gasoline tanks that he advised me of this matter and nothing was done with reference to the same.

Rasmussen did not advise me of the assault on him, nor the damage to the trucks, and neither did the regional manager, Mr. Neubauer.

In the middle of the year 1953 the food company was experiencing terrific losses of ice cream and other products handled by it. Its employees, supporters and members of the teamsters union, were stealing large quantities of its products almost daily. During the progress of these thefts by employees a jurisdictional row was on with the American Federation of Labor Teamsters Union vying with the CIO as to who should represent these employees in negotiations for an agreement. The food company employed the Leslie Bureau of Investigation in an effort to catch the thieves. While the agency was working on the thieves Smith and two other people, in pursuance of the negotiations on behalf of teamsters union, called on Rasmussen and it ended in a row and an assault. The investigative agency, while investigating the thefts, learned who assaulted Rasmussen. The police were called and these men were arrested for violating a city ordinance. They made a \$50 cash bond for their appearance in the city court for trial at a future date. I believe this occurred in May of 1953. Before the city court case was called for trial, Rasmussen, on the one hand and Smith and his associates on the other, discussed the matter and entered into an agreement that the teamsters union would withdraw from the jurisdictional row and let the CIO represent the food company employees if Rasmussen would not prosecute Smith and his associates in the city court. As a result, nobody appeared in the city court; the \$50 bond was forfeited and the case, of course, did not come to the criminal court. I knew nothing about this until the middle of August when the investigative agency sent me a copy of a letter it had written the food company manager in which it appeared that the food company had collected several thousand dollars from a bonding company on account of the thefts of the employees and had taken promissory notes from the employees for their thefts. In the copy of the letter that I received in August 1953, there were several statements with reference to the trucks that had been damaged by sirup in the gasoline tanks. There was an affidavit by a man named Shelton, an employee of the food company, who stated that he helped sirup his truck in this judicial circuit. There was evidence that Shelton had been receiving stolen merchandise from the company, and, of course, he was an accomplice in this siruping project.

I asked Mr. Lee Enoch, the head of the investigative agency, why a prosecution had not been instituted in the criminal court for the assault as well as the damage to the trucks, at the time it occurred, and he advised me that Mr. Neubauer and Mr. Rasmussen had agreed that they would withhold any prosecution because they had their labor matters settled and in the words of Mr. Neubauer he wanted to "let sleeping dogs lie." Had they desired to prosecute for damages

to the trucks, it would have failed because the only testimony to prove the case was from a man charged with thefts who was likewise an accomplice. The siraping of Shelton's truck occurred in this judicial circuit and was the only siraping of the food company's vehicles that did occur here. They were unable to tell where the others occurred except one in an adjoining judicial circuit. The food company compounded the larceny cases by settling the matter out of court and agreeing not to prosecute. No part of the information next hereinabove came to me until months after it had occurred and settlements effected. All of the aforesaid information came to me from Mr. Lee Enoch, head of the Leslie Bureau of Investigation, and no part of it came from Rasmussen or Neubauer. The assault case and the sirup cases grew out of the efforts to catch thieves that plagued his place, and was a mere incident to the employment of the investigative bureau for the ferreting out of the thieves. All of the testimony before your committee relative to damage of trucks of the food company came from alleged thieves or accomplices, and there is no corroborative evidence. In just about all of our States no person can be convicted on the unsupported testimony of an accomplice. I express no opinion on damage to the company's trucks by sirup in other counties. Of course, my jurisdiction was limited to this county, and our constitution and statutes require that a person charged with crime must be tried in the county where the crime is committed.

3. William E. Webby filed with the committee an affidavit to the effect that his lawyer, now deceased, told him (Webby) that he talked with me about an assault case against a man by the name of Canaday and that I discouraged the prosecution.

This is wholly false. I never talked with Mr. Webby's lawyer about the case. I knew then that Canaday was a thug and it would have been silly and ridiculous for me to have advised Webby's lawyer that Canaday was a man of good repute, etc. The affidavit is an innovation in the law, it seems to me, since it is an affidavit to hearsay evidence that would not be accepted anywhere in a judicial proceeding. However, since the hearing I talked to Mr. Jack Webby, the father of William, and he advised me that Stokes told him that the labor people were worrying him (Stokes) about the matter and that he hoped that the case would be withdrawn. I did not call Jack Webby; he called me and volunteered this information.

I would have been happy to have advised the investigators for your committee of this and other matters brought out at the hearing had they seen fit to make an inquiry of me. I have never seen them and therefore have discussed no part of this matter with them.

4. A detective from Knoxville, Tenn., testified that he felt like the district attorney had called me over the telephone and asked that I arrange for a conference for W. A. Smith at Nashville for Knoxville authorities. This is untrue. I had no such conversation with anyone. The inference from this statement is that I was coddling Smith in that I did not arrange for the conference. Such a statement is puerile. Of course, such a course would have been futile. Smith relied upon the fifth amendment 102 times before your committee and I do not imagine that he would have told this detective anything had such a conference been arranged. I had interrogated him on more than one occasion and his responses to me were the same as they were to your committee. Ever so often police officers and deputy sheriffs, in an effort to explain inaction, advance some false reason for a failure to do their duty. It would have afforded me genuine pleasure to have picked up Smith and brought him to my office for the district attorney at Knoxville or any of his representatives. The occurrence referred to just did not happen.

5. Sam J. Peters testified before the committee and gave some evidence of law violations in this area and throughout the State. He admitted his guilt in the damage to two barber shops.

Sam J. Peters was prosecuted along with Canaday in these barbershop cases and was sentenced to 4 months in the workhouse. Both of them served their full time and both of them when interrogated in these cases at my office relied upon the advice of counsel not to give a statement; in other words, the fifth amendment. The barbershop incidents came to my attention, as I now recall, other than by State's warrant. Some young men had witnessed the damage to these barbershops and had called it to the attention of two deputy sheriffs. The officers accosted Canaday and Peters shortly after the incident and released them without even searching their vehicle. Had they done their full duty at

that moment they undoubtedly would have found much incriminating evidence on Peters and Canaday since they were using Smith's car. I picked up this case, indicted them, and tried it with the aforesaid results. Both Peters and Canaday were members of the teamsters union.

6. A man by the name of Bruce was slugged in this county by a man by the name of Ellis, according to testimony before your committee.

Canaday, Richards, and a man by the name of Gilley were indicted by me in the Bruce slugging. Canaday and Richards were convicted and Gilley was found not guilty. It now develops that the jury was correct in dismissing the case against Gilley because it was developed before your committee that a man by the name of Ellis was involved in the slugging of Bruce. Canaday and Richards were convicted in this case and for punishment were sentenced to 11 months and 29 days in the workhouse. This sentence is now pending on appeal in the Supreme Court of Tennessee. Both are members of the teamsters union, and both relied upon the self-crimination provision of the Constitution when interrogated.

In Tennessee we have a constitutional provision against self-incrimination and to subpoena any of these goons and hoodlums for their appearance before the grand jury to testify about matters of which they have knowledge would result in their being granted immunity from prosecution, therefore it would not be advisable to call any of these men for appearance before the grand jury in Tennessee. Such a course was suggested by someone on your committee.

However, I do not believe grand-jury appearance of any of these men would be any more effective than it was before your committee, since these principal offenders in Tennessee all relied upon the fifth amendment dozens and dozens of times before the Senate committee. I am sure that the result would have been the same before a grand jury in this State.

I have attempted to record herein the facts about the several matters referred to, according to my best recollection and hope that the committee will do me the courtesy of making this letter a part of the record of your hearing.

I am attaching hereto a certificate in which I make oath that the matters and things referred to herein of my own knowledge are true, and that those matters upon information and belief I verily believe to be true.

Respectfully yours,

J. CARLTON LOSER.

STATE OF TENNESSEE,

Davidson County:

Personally appeared before me, P. W. Cox, a notary public for and in the aforesaid State and county, J. Carlton Loser, who makes oath that the matters and things hereinbefore referred to as of his own knowledge are true, and those matters and things made upon information and belief he verily believes to be true.

J. CARLTON LOSER.

Sworn to and subscribed before me this 17th day of December 1957.

[SEAL]

P. W. Cox, *Notary Public.*

My commission expires January 26, 1959.

The CHAIRMAN. Is there anything further?

If not, the committee stands in recess.

(Whereupon, at 4:32 p. m., the hearing in the above-entitled matter was recessed, subject to call of the Chair.)

(Members of the select committee present at the taking of the recess were Senators McClellan and Curtis.)

APPENDIX

EXHIBIT No. 6

HOME
3-4659

Lydia Mapes Williams

OFFICE
2-3181
2-5616

Florist

432 BROADWAY, N. W.
KNOXVILLE, TENNESSEE
COURTESY QUALITY SERVICE
Say It With Flowers

Date June 15 1955

Miss Anniston, Knoxville 300 95 621

<i>Bouquet</i>	<i>10.00</i>
<i>2 doz</i>	<i>3.00</i>
<i>1 doz</i>	<i>10.00</i>
<i>2 doz</i>	<i>2.00</i>
<i>2 doz</i>	<i>2.00</i>

This Shop Is Not a Branch of Any Other Flower Store

Deliver to *1052 21st*

Street *Brentwood*

City *Knoxville*

Deliver when *at once* A M P M

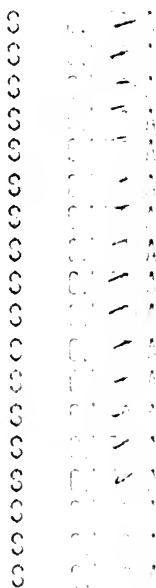
Deliver *at once* Ex. Col Ex. Pd P Post

Ordered by *Mr. & Mrs. Williams* Card

Taken by *111* *James*

Filled by

EXHIBIT No. 8




10

Thank You

EXHIBIT No. 10

W. J. Reynolds
President

Pay to the order of



CHAUFFEURS, TEAMSTERS & HELPERS
LOCAL UNION NO. 681
1700 N. BROADWAY
KNOXVILLE, TENN. August 3 19 56 No. 3183 87-729

Cash \$ 39.35

SWIP BY TRUCK

THE TENNESSEE VALLEY BANK
KNOXVILLE, TENNESSEE

CHAUFFEURS, TEAMSTERS & HELPERS
LOCAL UNION NO. 681

Hubert J. Rogers
TREASURER

DOLLARS

CHAUFFEURS, TEAMSTERS & HELPERS
Local Union No. 681
Knoxville, Tenn.

87-729

PAY TO THE ORDER OF
ANY BANK OR BANKER
ALL PRIOR ENDORSEMENTS GUARANTEED
AUG 31 56
KNOXVILLE, TENN.
87-729

EXHIBIT No. 11

KNOXVILLE, TENN. November 6, 1936 No. 87772 NKB
 THE FARMERS' SAVINGS BANK
 100 N. 1st St. Knoxville, Tenn.
 W. L. Reynolds
 PAY TO THE ORDER OF
 \$50.00
 FIFTY \$50 and 00/100 DOLLARS
 Organization Fund
 Transfer Local No. 321
 W. L. Reynolds

W. L. Reynolds
 Local No. 321
 Knoxville, Tenn.


11-6 256
 Bill Reynolds
 Organizer of Local
 22.35 70
 DOLLARS CENTS
 TOTAL 50 00
 AMOUNT THIS WEEK 50 00
 AMOUNT LAST WEEK 22 35 70

EXHIBIT No. 19

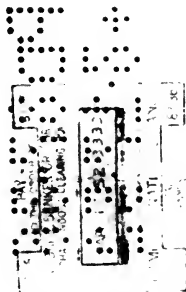
12 MAR 21 1966
 NASHVILLE, TENN.
 U. S. NATIONAL BANK
 NASHVILLE, TENN.
 PAY TO THE ORDER OF
 Five hundred & 11/100 DOLLARS
 International Brotherhood of Teamsters.
 500 Broadway Warehousemen and Helpers
 Nashville, Tenn.

Edward Smith

EXHIBIT No. 21


Black Drivers & Helpers Local No. 515
 UP
 No. 6131
 PAY TO THE ORDER OF
 HAMILTON NATIONAL BANK
 CHICAGO, ILL.
 \$1500.00
 MAY 11 1955
 J. A. G.

Glenn A. Smith



* 1500 2

No. 6134

Date *March 14, 1955* 1955

To *Chicago Express*

150. 22
 352 01

* 1500 2

MEMPHIS, TENN. 21 1951 No. 2474

FEDERAL NATIONAL BANK

PAY TO THE ORDER OF *Local Union No. 515* \$13,500.00

\$13,500.00 DOLLARS

Gal T. Munier

THE UNION CONFERENCE IN TRANSFER

THIS CHECK IS NOT VALID UNLESS SIGNED BY THE CASHIER

FROM THE BANK OF THE UNITED STATES

Account of Truck Drivers & Helpers in the 54

Coalfields, Tenn

EXHIBIT No. 24



PETTWAY OIL COMPANY
 BOX 2068 ST EMQ STATION

No 6546

June 10 1954

DOLLARS \$1,000.00

PAY


HAMILTON NATIONAL BANK

J. S. Galloway

TO THE
ORDER

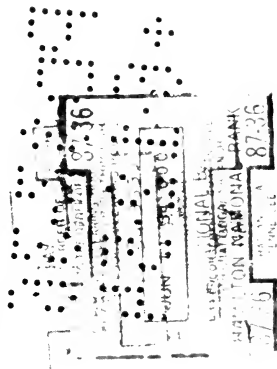
HAMILTON NATIONAL BANK
 87-36 CHATTANOOGA TENN
 613

PETTWAY OIL COMPANY

N.C. 100
 TELLER
 1

AUTHORIZED SIGNATURE

 J. S. Galloway



BOSTON PUBLIC LIBRARY



3 9999 06352 022 3

